



# Congressional Digest

Washington, D. C.

*June-July, 1926*

**Congress and Prohibition Enforcement**

**Present Administration of Prohibition Laws**

Articles by

Assistant Secretary of the Treasury Andrews

and

Assistant U. S. Attorney General Willebrandt

**Summary of Pending Legislation**

**Recent "Wet" and "Dry" Arguments Presented to Congress**

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ALICE GRAM ROBINSON, *Editor and Publisher*

## Contents for June - July, 1926

### Special Feature: Congress and Prohibition Enforcement

#### SIXTY-NINTH CONGRESS

Action on President's Recommendations to Congress.....	183
Congress Day by Day—Proceedings.....	185

#### SPECIAL FEATURE: CONGRESS AND PROHIBITION ENFORCEMENT

The Eighteenth Amendment to the Constitution.....	187
Prohibition Enforcement Laws.....	187
Administration of National Prohibition Laws By Lincoln C. Andrews, Assistant Secretary, U. S. Treasury Department.....	187
Prosecution of Prohibition Violation cases By Mabel Walker Willebrandt, Assistant Attorney General, U. S. Dept. of Justice.....	188
Prohibition Legislation in 69th Congress.....	189
The Administration's Enforcement Program in 69th Congress.....	189
Provisions of the Goff Bill.....	190

#### PRO AND CON DISCUSSION:

U. S. Senators Discuss Prohibition Issue	
Hon. William E. Borah vs. Hon. William Cabell Bruce.....	191
Hon. C. C. Dill vs. Hon. Walter E. Edge.....	193

#### Recent "Dry" and "Wet" Arguments Presented to Congress By:

Rt. Rev. William T. Manning.....	194
Nicholas Murray Butler.....	194
Mrs. Ella A. Boole.....	195
Mrs. Henry W. Peabody.....	195
William H. Stayton.....	195
Evangeline Booth.....	196
Ernest H. Cherrington.....	197
Wayne B. Wheeler.....	197
The National Grange.....	198
Dr. Haven Emerson.....	198
Petition signed by Wisconsin Farmers.....	198
Irving Fisher.....	199
Stanley Shirk.....	199
Stephen Leacock.....	200
Edward Keating.....	201
American Federation of Labor.....	201
Dr. J. M. Doran.....	202
Hon. Alfred J. Talley.....	202
Hon. William E. Roney.....	203
Sir William Staver.....	203
Mrs. Lenora Lowe Yost.....	204
Julian Codman.....	204

#### OTHER REGULAR FEATURES

The White House.....	206
The Supreme Court of the United States: Recent Decisions.....	207

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# The Congressional Digest

Volume V

JUNE-JULY, 1926

Numbers 6-7

## The Sixty-ninth Congress

First, or "Long" Session, Convened December 7, 1925.

### In the Senate

96 members

56 Republicans      39 Democrats  
1 Farmer-Labor

### Presiding Officer

President: Charles G. Dawes, Vice-President

### Floor Leaders

<i>Majority Leader</i> Charles Curtis, Kans., R.	<i>Minority Leader</i> Joseph T. Robinson, Ark., D.
<i>Republican Party Whip</i> Wesley L. Jones, Wash.	<i>Democratic Party Whip</i> Peter G. Gerry, R. I.

### In the House

435 members

244 Republicans      182 Democrats  
2 Socialists      1 Independent  
2 Farmer-Labor      4 Vacancies

### Presiding Officer

Speaker: Nicholas Longworth, Ohio, R.

### Floor Leaders

<i>Majority Leader</i> John Q. Tilson, Conn., R.	<i>Minority Leader</i> Finnis J. Garrett, Tenn., D.
<i>Republican Party Whip</i> Albert H. Vestal, Ind.	<i>Democratic Party Whip</i> William A. Oldfield, Ark.

## Action Taken on President's Recommendations to Congress

### A Summary of Action on President's Recommendations

For the Period December 7, 1925 to June 26, 1926

The President's recommendations for legislative action contained in his annual message of December 8, 1925, to the 69th Congress, were printed in the December, 1925 number of THE CONGRESSIONAL DIGEST, p. 327. The bills cited below embody the President's recommendations in whole or in part, but have not been specifically endorsed by the President unless indicated. Action on these recommendations is reported in this Department month by month.

Action on the following measures for the period June 28, 1926, until the adjournment of the first session of the 69th Congress will be printed in the September number of THE CONGRESSIONAL DIGEST.

### Taxation

Feb. 26, 1926—The President approved the revenue bill (H. R. 1). Public Law No. 20.

### Appropriations

Amounts carried in annual appropriation bills for fiscal year ending June 30, 1927, and dates on which measures were approved by the President.

Mar. 2, 1926—H. R. 5959. Treasury and Post Office Departments. Public Law No. 35. \$868,281,501.63.

May 10, 1926—H. R. 6707. Interior Department. Public Law No. 206. \$226,332,918.

May 21, 1926—H. R. 7554. Navy Department. Public Law No. 264. \$319,650,075.

May 11, 1926—H. R. 8264. Agriculture Department. Public Law No. 214. \$127,924,573.

Mar. 3, 1926—H. R. 8722. First Deficiency, 1926. Public Law No. 36. \$426,298,681.19.

Apr. 15, 1926—H. R. 8917. War Department. Public Law No. 123. \$342,609,611.16.

Apr. 22, 1926—H. R. 9341. Independent Offices. Public Law No. 141. \$512,928,376.

Apr. 29, 1926—H. R. 9795. State, Justice, Commerce, and Labor Departments. Public Law No. 156. \$79,963,851.90.

May 10, 1926—H. R. 10198. District of Columbia. Public Law No. 205. \$33,918,571.

May 13, 1926—H. R. 10425. Legislative Establishment. Public Law No. 222. \$16,437,327.20.

June 24—The House Committee on Appropriations reported the second deficiency bill, 1926. (H. R. 13040). Report No. 1536. \$43,372,000.

### Foreign Relations

"Under congressional sanction it would seem to be wise to participate in any conference of the great powers for naval limitation of armament \* \* \*."

Feb. 1, 1926—The President approved the joint resolution (H. J. Res. 107) to provide for the expenses of participation of the United States in the work of a preparatory commission to meet in Geneva under the auspices of the League of Nations, to consider questions of reduction and limitation of armaments. Public Res. No. 5.

*Permanent Court of International Justice*

"Pending before the Senate for nearly three years is the proposal to adhere to the protocol establishing the Permanent Court of International Justice \* \* \*. We can contribute greatly to the advancement of our ideals by joining with other nations in maintaining such a tribunal."

Jan. 27, 1926—The Senate by a vote of 76 to 17 agreed to the modified Swanson resolution (S. Res. 5) that the United States join the Permanent Court of International Justice with certain reservations.

*Foreign Debts*

"It is believed \* \* \* these settlements \* \* \* already negotiated \* \* \* represent in each instance the best that can be done and the wisest settlement that can be secured."

Legislation to carry out debt funding agreements executed by the World War Foreign Debt Commission and foreign governments has been enacted as follows:

Apr. 28, 1926—The President approved the bill (H. R. 6773) for funding debt of Italy to the United States. Public Law No. 155.

Apr. 30, 1926—The President approved the bill (H. R. 6774) for funding debt of Belgium to United States. Public Law No. 159.

Apr. 30, 1926—The President approved the bill (H. R. 6775) for funding debt of Esthonia to the United States. Public Law No. 160.

Apr. 30, 1926—The President approved the bill (H. R. 6776) for funding the debt of Latvia to the United States. Public Law No. 161.

May 3, 1926—The President approved the bill (H. R. 6772) for funding debt of Rumania to the United States. Public Law No. 167.

May 3, 1926—The President approved the bill (H. R. 6777) for funding debt of Czechoslovakia to the United States. Public Law No. 168.

May 29, 1926—The Committee on Ways and Means reported the bill (H. R. 11848) for funding debt of France to the United States. Report No. 1338. Passed the House June 2, 1926.

June 3, 1926—The Committee on Ways and Means reported the bill (H. R. 11948) for funding debt of the Serbs, Croats and Slovenes to the United States. Report No. 1357. Passed the House June 4, 1926.

*National Defense*

"The Departments of War, Navy and Commerce should each be provided with an additional assistant secretary \* \* \* to give special attention to air navigation."

"Aviation is of great importance both for national defense and commercial development. We ought to proceed in its improvement \* \* \*."

"The provision for more suitable housing to be paid out of funds derived from the sale of excess lands \* \* \* ought to be passed."

Mar. 12, 1926—The President approved the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations. Public Law No. 45.

May 20, 1926—The President approved the bill (S. 41, Bingham, Conn., R.) to encourage and regulate the use of aircraft in commerce. Public Law No. 254.

May 27—The President approved the bill (H. R. 10503, Miller, Wash., R.) to alter six coal-burning battleships to accommodate airplanes. Public Law No. 300.

May 5, 1926—The House passed the bill (H. R. 10827, Morin, Pa., R.) to provide more effectively for the na-

tional defense by increasing the efficiency of the Air Corps of the Army. Passed by the Senate, amended, June 2. Sent to conference June 5. On June 25, the conference report was ruled out in the House on a point of order made by Mr. Black, Tex., D.

June 24, 1926—The President approved the bill (H. R. 9690, Butler, Pa., R.) authorizing the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith. Public Law No. 422.

*Agriculture*

"A bill \* \* \* which has been drafted with the approval of \* \* \* leaders in the cooperative movement will be presented to the Congress."

"Legislation should also be considered to provide for leasing the unappropriated public domain for grazing purposes and adopting a uniform policy relative to grazing on the public lands and in the national forests."

May 21—The Haugen bill (H. R. 11603) which proposed to set up Government machinery for disposing of farm surplus was defeated in the House by a vote of 212 to 167. The Tinchier (H. R. 11327) and Aswell (H. R. 11606) bills which were pending as amendments were withdrawn.

June 1—The amended Haugen cooperative marketing bill (H. R. 7893) was made the unfinished business before the Senate. The amendment to the bill as reported by the Committee on Agriculture and Forestry (Report No. 664) was in the nature of a substitute bill and is similar to the McNary-Haugen bill in the 68th Congress. On June 24, the Committee's amendment was defeated by a vote of 45 to 39.

June 25—President Coolidge issued a statement on farm relief legislation, which is in part as follows:

"The farmer has suffered greatly \* \* \*. He is entitled to relief if it can possibly be given on a sound basis by the Government. \* \* \* Constructive action has been repeatedly proposed from various sections of the agricultural community. These proposals provide for the creation of a Farm Marketing Board whose duty is to secure a better adjustment of agricultural production; the larger development and consolidation of farmers' marketing associations under their own control; and embrace the placing of \$100,000,000 of public money for working capital at the disposal of such farmers' controlled marketing associations, through such farm board, for the purpose of better stabilizing their markets, improving their marketing machinery and the eliminating of waste in distribution. \* \* \* I am in favor of this type of legislation and I am convinced that immediate action along such lines will profoundly assist the farmers. I believe that the farmers should be provided with these advantages. It seems to me that such a proposal is embodied in the bill, S. 4462, offered by Senator Fess, on June 16, and which he has proposed to offer as an amendment to the pending cooperative bill, which has passed the House and is now before the Senate."

Mar. 31—The Senate Committee on Public Lands and Surveys reported with amendments the bill (S. 2584, Stanfield, Ore., R.) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, etc. The bill as finally reported constitutes a compromise measure, and has the approval of Secretary Jardine and Secretary Work. Report No. 517. The bill is pending on the Senate Calendar.

*Muscle Shoals*

"Muscle Shoals \* \* \* ought to be developed for the production of nitrates primarily, and incidentally for power purposes \* \* \* the best possible disposition can be made by direct authorization of the Congress. I recommend the immediate appointment of a small joint special com-

Continued on page 212



## Congress Day by Day

A Daily Record of Proceedings on the Floor of the Senate and House

For the Period May 1 to June 26, 1926

Saturday, May 1, 1926

### SENATE:

Mr. Harrison, Miss., D., continued his opposition to the public buildings bill (H. R. 6559, Elliott, Ind., R.).  
Adjourned.

### HOUSE:

Not in session.

Monday, May 3, 1926

### SENATE:

Considered bills on the Calendar.

Federal Judge George W. English, of the eastern district of Illinois, appeared before the Senate sitting as a Court of Impeachment, and entered a plea of not guilty and filed a brief in reply to the charges of the House managers.

Resumed consideration of the public buildings bill (H. R. 6559, Elliott, Ind., R.). An amendment was adopted curtailing the blanket authority given to the Secretary of the Treasury in the matter of expenditures.

Passed a bill (S. 3418, Bruce, Md., D.) providing for an additional judge for the district of Maryland.

Recess was taken.

### HOUSE:

Mrs. Rogers, Mass., R., urged legislation in behalf of disabled World War veterans.

Passed a bill (H. R. 10733, Leavitt, Mont., R.) to make addition to the Absarokee and Gallatin National Forests and the Yellowstone National Park, etc.

Passed a bill (H. R. 4001, Andrew, Mass., R.) to relieve World War veterans from claims for overpayment during war emergency period.

Passed a bill (H. R. 11084, Griest, Pa., R.) to amend act of Feb. 28, 1925, fixing compensation of fourth-class postmasters.

Passed a bill (H. R. 3842, Griest, Pa., R.) authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease.

Passed bills (H. R. 9916, Sinnott, Ore., R.) to revise the boundaries of Grand Canyon National Park, Ariz., and (H. R. 10126, Sinnott, Ore., R.) to revise the boundary of the Mount Rainier National Park, Wash.

Passed, under an unanimous consent agreement, the bill (H. R. 10429, Smith, Ida., R.) to adjust water-right charges, to grant certain other relief on Federal irrigation projects, to amend subsec. E and F of sec. 4, act approved Dec. 5, 1924.

Adjourned.

Tuesday, May 4, 1926

### SENATE:

Mr. Ferris, Mich., D., and Mr. Sheppard, Tex., D., spoke in favor of prohibition. Mr. Bruce, Md., D., replied.

Considered the public buildings bill (H. R. 6559, Elliott, Ind., R.).

Passed a bill (H. R. 10055, Larsen, Ga., D.) to amend sec. 77 of the Judicial Code to create a middle district in Georgia.

Passed a bill (H. R. 9511, Kendall, Pa., R.) authorizing the Postmaster General to remit fines imposed on mail contractors.

An executive session was held.

Recess was taken.

### HOUSE:

Mr. Mills, N. Y., R., spoke on the resolution by Mr. Connelly, Tex., D., for an investigation of the investment of alien property funds.

Adopted a resolution relative to the reply of George W. English, judge of the U. S. District Court for the Eastern District of Illinois, in answer to the articles of impeachment presented against him.

Adopted a resolution (H. Res. 249) to begin debate on the Federal farm loan and surplus control bill (H. R. 11603, Haugen, Ia., R.). Mr. Haugen explained the provisions of the bill.

Mr. Fort, N. J., R., spoke in opposition to the bill. Agreed to conference report on the bill (H. R. 6707) mak-

ing appropriations for the Department of the Interior for the fiscal year ending June 30, 1927.

Adjourned.

Wednesday, May 5, 1926

### SENATE:

The Senate sitting as a Court of Impeachment, by a vote of 65 to 10, adopted an order fixing the date of November 10, 1926, for the trial of the articles of impeachment exhibited by the House against George W. English, judge of the U. S. District Court of the Eastern District of Illinois.

Passed, with amendment, the bill (H. R. 6559, Elliott, Ind., R.) for the construction of certain public buildings. The bill now goes to conference.

An executive session was held.

Adjourned.

### HOUSE:

Passed a bill (H. R. 10827, Morin, Pa., R.) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army.

Passed a bill (S. 3037, Wadsworth, N. Y., R.) to provide retirement for the Nurse Corps of the Army and Navy.

Passed a bill (H. R. 11511, Morin, Pa., R.) to amend the national defense act of June 3, 1916, as amended, in respect to the National Guard.

Passed a bill (H. R. 4547, Morin, Pa., R.) to establish a department of economics, government and history at the U. S. Military Academy, at West Point, etc.

Passed a bill (S. 1786, Wadsworth, N. Y., R.) to equalize pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Adjourned.

Thursday, May 6, 1926

### SENATE:

Amended and passed, by a vote of 66 to 8, a bill (S. 2858, Reed, Mo., D.) to fix the salaries of certain judges of the United States.

Began debate on the bill (H. R. 9463, Parker, N. Y., R.) to provide for the prompt disposition of disputes between railway carriers and their employees. Mr. Watson, Ind., R., explained the provisions of the bill.

Agreed to hold a night session on Monday, May 10th.

Mr. Copeland, N. Y., D., urged consideration of the revised bill (S. 4177) to regulate interstate and foreign commerce in coal, etc.

An executive session was held.

Recess was taken.

### HOUSE:

Adopted a resolution (H. Res. 228) that the Committee on the Judiciary investigate the alleged official misconduct of Frederick A. Fenning, Commissioner of the District of Columbia.

Resumed debate on the bill (H. R. 11603, Haugen, Ia., R.) to establish a Federal Farm Board to aid in the orderly marketing and in the control of the surplus of agricultural commodities. Mr. Aswell, La., D., explained the provisions of his bill (H. R. 11606), known as the Yoakum plan.

Mr. Wheeler, Ill., R., and Mr. Williamson, S. D., R., supported the Haugen bill (H. R. 11603).

An evening session was held.

Adjourned at 10:48 p. m.

Friday, May 7, 1926

### SENATE:

Continued the debate on the bill (H. R. 9463, Parker, N. Y., R.) to provide for the prompt disposition of disputes between railway carriers and their employees.

An executive session was held.

Recess was taken.

## HOUSE:

Addresses were made by Mr. Madden, Ill., R., and Mr. Holaday, Ill., R., on occasion of the ninetyeth birthday of Joseph G. Cannon, former speaker of the House.

Continued debate on the farm relief bills before the House. Mr. Newton, Minn., R., opposed the Haugen bill (H. R. 11603). Mr. Kincheloe, Ky., D., and Mr. Parks, Ark., D., also opposed the bill.

An evening session was held.

Mr. Kvale, Minn., Independent, Mr. Dowell, Ia., R., Mr. Andresen, Minn., R., and Mr. Little, Kans., D., supported the Haugen bill (H. R. 11603). Mr. Lowrey, Miss., D., supported the Curtis-Aswell bill (H. R. 11606). Mr. Brigham, Vt., R., supported the Tinchler bill (H. R. 11618).

Adjourned at 10:55 p. m.

Saturday, May 8, 1926

## SENATE:

Continued debate on the bill (H. R. 9463, Parker, N. Y., R.) to provide for the prompt disposition of disputes between railway carriers and their employees.

Adjourned.

## HOUSE:

Agreed to extend general debate on the farm relief bills one more day.

Mr. Tinchler, Kans., R., spoke on his bill (H. R. 11618).

Mr. Madden, Ill., R., announced his opposition to the proposed appropriation of \$375,000,000 if the Haugen bill (H. R. 11603) should be enacted.

Mr. McLaughlin, Nebr., R., and Mr. Swank, Okla., D., supported the Haugen bill (H. R. 11603).

Adjourned.

Monday, May 10, 1926

## SENATE:

Passed a bill (S. 491, Copeland, N. Y., D.) providing for payment of claims for overtime in various navy yards.

Passed a bill (S. 1640, Pepper, Pa., R.) authorizing the Secretary of Agriculture to establish a national arboretum.

Resumed consideration of the bill (H. R. 9463, Parker, N. Y., R.) to provide for the prompt disposition of disputes between railway carriers and their employees. A motion by Mr. Curtis, Kans., R., to recommit the bill to the Committee on Interstate Commerce was rejected by a vote of 59 to 14.

Mr. Bingham, Conn., R., submitted the conference report on the bill (H. R. 41) to encourage and regulate the use of aircraft in commerce, etc.

An evening session was held.

Considered and passed seventy-six bills on the Calendar. Recess was taken.

## HOUSE:

Continued debate on the farm relief bills. Mr. Fort, N. J., R., supported the Tinchler bill (H. R. 11618). Mr. Rainey, Ill., D., opposed the bill. Mr. Quin, Miss., D., Mr. Hill, Wash., D., and Mr. Hawes, Mo., D., supported the Haugen bill (H. R. 11603). Mr. Begg, O., R., and Mr. Burton, O., R., opposed the bill.

The debate was continued during the evening session.

Adjourned at 11 p. m.

Tuesday, May 11, 1926

## SENATE:

Mr. Moses, N. H., R., submitted the bill (S. 4224) and the report of the Special Joint Subcommittee on Postal Rates recommending a permanent schedule of postal rates pursuant to sec. 217 of the act of Feb. 28, 1925, etc. (S. Doc. No. 109).

Passed, by a vote of 69 to 13, the bill (H. R. 9463, Parker, N. Y., R.) to provide for the prompt disposition of disputes between railway carriers and their employees. Amendments to the bill submitted by Mr. Bruce, Md., D., Mr. Norbeck, S. D., R., and Mr. Curtis, Kans., R., were rejected.

The McFadden national banking bill (H. R. 2) was made the unfinished business before the Senate.

An executive session was held.

Recess was taken.

## HOUSE:

Agreed to the conference report on the bill (H. R. 10425) making appropriations for the legislative branch of the government for the fiscal year ending June 30, 1927.

Continued debate on the farm relief bills.

Mr. Tilson, Conn., R., opposed the Haugen bill (H. R. 11603).

Adjourned.

Wednesday, May 12, 1926

## SENATE:

Passed a bill (H. R. 9872) to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of the Lake of the Woods, concluded on February 24, 1925.

Mr. King, Utah, D., discussed American military occupation of Haiti.

Agreed to the conference report on the Navy Department appropriation bill (H. R. 7554).

Began consideration of the McFadden national banking bill (H. R. 2).

An executive session was held.

Recess was taken.

## HOUSE:

Considered and passed the bills on the Calendar.

Passed a bill (H. R. 10312) to authorize the disposition of lands no longer needed for naval purposes.

Passed a bill (H. R. 11355, Updike, Ind., R.) to amend act of Aug. 29, 1916, relative to retirement of captains, commanders and lieutenant commanders of the line of the Navy.

Passed a bill (H. R. 10503, Miller, Wash., R.) to authorize certain alterations to six coal burning battleships to provide for better launching of airplanes.

Passed a bill (S. 85, Jones, Wash., R.) to correct the status of certain commissioned officers of the Navy.

Considered the bill (H. R. 7181, Stephens, O., R.) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line.

Adjourned.

Thursday, May 13, 1926

## SENATE:

Passed the McFadden national banking bill (H. R. 2). The "Pepper Amendments" as a substitute for the "Hull Amendments" relative to branch banking were adopted by a vote of 60 to 17. The bill now goes to conference.

Agreed to conference report on the bill (S. 41, Bingham, Conn., R.) to encourage and regulate the use of aircraft in commerce, etc.

An executive session was held.

Recess was taken.

## HOUSE:

Agreed to the conference report on the Navy Department appropriation bill (H. R. 7554).

Mr. McLeod, Mich., R., spoke on the St. Lawrence waterway-to-the-sea project.

Resumed consideration of the Haugen agricultural relief bill (H. R. 11603).

Adjourned.

Friday, May 14, 1926

## SENATE:

Debated the bill (S. 2607, Brookhart, Ia., R.) to establish migratory-bird refuges. The bill was made a special order for Tuesday, May 18.

Began consideration of the bill (S. 786, Stanfield, Ore., R.) to amend the act for retirement of employees in the classified civil service. Mr. Stanfield explained the provisions of the bill, and announced that an amendment in the nature of a substitute bill carrying the provisions and recommendations of the Director of the Budget, would also be offered.

Mr. Jones, Wash., R., entered a motion to reconsider the vote by which the McFadden national banking bill (H. R. 2) was passed.

An executive session was held.

Adjourned until Monday, May 17.

## HOUSE:

Passed a bill (S. 4073) to establish the Shenandoah National Park in Virginia, and the Great Smoky Mountain National Park in North Carolina and Tennessee.

Passed a bill (S. 4200) to establish the Mammoth Cave National Park in Kentucky.

Resumed consideration of the Haugen agricultural relief bill (H. R. 11603). An amendment submitted by Mr. Black, Tex., D., designed to eliminate from the bill the tariff price-fixing plan was rejected by a vote of 65 to 40.

Adjourned until Monday, May 17.

Monday, May 17, 1926

## SENATE:

Agreed to the conference report on the bill (H. R. 6559,

Continued on page 208

## Special Feature

### Congress and Prohibition Enforcement

#### The Eighteenth Amendment to the U. S. Constitution

*Became a Part of the Constitution January 16, 1919*

*Section 1.* After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

*Section 2.* The Congress and the several States shall

have concurrent power to enforce this article by appropriate legislation.

*Section 3.* This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

#### The Prohibition Enforcement Laws

The Prohibition Enforcement Law, known as the Volstead Act, was passed by the Senate over President Wilson's veto by a vote of 65 to 20, on October, 28, 1919. Under the provisions of this Enforcement Code, intoxicating liquor includes alcohol, brandy, whisky, rum, gin, beer, ale, porter and wine, and in addition thereto any other spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called containing one-half of one per cent or more of alcohol by volume which are fit for use for beverage purposes.

On November 23, 1921, the President signed the Willis-Campbell Bill, supplemental to the Prohibition Enforcement Act. The main provisions of the bill are the prohibition of the use of beer or malt liquors for medicinal purposes, the extension of prohibition to Hawaii and the Virgin Islands, prohibition of the prescription of more than one-fourth of one gallon of vinous liquors within ten days, and the prohibition of more than 100 prescriptions to a physician in three months, unless some extraordinary reason is given, and stops importation of spirituous and vinous liquors until the present supply is not sufficient to supply the current needs for non-beverage uses, and pre-

vents search and seizure of a private dwelling without a search warrant.

A digest of the provisions of the national enforcement act was printed in the October, 1924, issue of THE CONGRESSIONAL DIGEST.

Since the passage of the Volstead Act and the Willis-Campbell Bill, the following measures have been enacted by Congress to strengthen the act and aid enforcement.

1924—An act to authorize temporary increase of the Coast Guard for law enforcement. Signed by the President April 21, 1924.

1925—An act for the disposal of vehicles and vessels forfeited for violation of prohibition and laws. Signed by the President March 3, 1925.

Each year since the passage of the Prohibition Enforcement Act general appropriations for the enforcement of the law have been made.

Treaties—During the 68th Congress treaties to aid in suppressing smuggling along the boundary lines were negotiated by the President and ratified by the Senate between the United States and the following countries: Great Britain, Norway, Denmark, Germany, Sweden, Italy, Panama, The Netherlands, Canada, Spain, France, Cuba, Mexico and Belgium.

### Administration of National Prohibition Laws

By LINCOLN C. ANDREWS

*Assistant Secretary in Charge of Customs, Coast Guard and Prohibition, U. S. Treasury Department*

THE ADMINISTRATION of the National Prohibition laws was placed in the Treasury Department, in the Bureau of Internal Revenue, where the Prohibition Unit was organized as an adjunct to the Bureau. The administration of the laws involves two important phases; one, law enforcement, the other the regulation of all industry and business concerned with the use of industrial alcohol and spirituous liquors for medicinal and other legitimate purposes.

These two functions frequently meet and become interdependent because so much of both alcohol and spirituous

liquor has become, through diversion from legitimate uses, a source of supply for the illegitimate liquor traffic. This has made the regulatory function extremely difficult in that it is equally important to the Government to protect legitimate industry at the same time that it must eliminate the illegitimate. A large part of the work of the Prohibition Unit and of the consequent work of the courts results from our activities in this effort at control.

In the enforcement field Government control of the existing sources of supply drove the liquor traffic to seek its supply by smuggling from abroad. This became a

well-organized and widespread business and thus two other Treasury Departments became involved in the necessity which arose for the Government to stop the smuggling of liquor.

First, the Customs. The organization of the Bureau of Customs divides all the borders of the United States, both land and sea, into collection districts, each under a Collector of Customs, appointed by the President. It has always been their duty to collect revenue on imports and to prevent smuggling. And smuggling in any quantities had long since disappeared until the smuggling of liquor became active. Customs had too few men and no facilities with which to prevent the landing of liquor at other than its guarded ports and the Government had to turn to some other agency to prevent smuggling by sea. The Coast Guard was called upon to perform this function. It was small in numbers and without equipment to meet this emergency. Congress has, however, made appropriations to meet the requirements and a program of large and rapid expansion has been made effective within the Coast Guard and their operations have very materially reduced the amount of smuggling and made its practice both dangerous and expensive.

About one year ago the Secretary of the Treasury decided to bring these three dependent units, each concerned with the enforcement of the National Prohibition laws, under one head for purposes of coordination and more effective organization. I was appointed Assistant Secretary of the Treasury for this purpose in April, 1925. It has been a task of organization partly within the Prohibition Unit itself. This reorganization has involved considerable changes in policy as well as in personnel. The most pronounced change in policy was the one of

decentralization and setting up an organization based on two considerations: First, to bring about an effective co-operation with the field officers of the Department of Justice through whose efforts alone could the work of the Prohibition Unit be made effective, either for law enforcement or those phases of the regulatory work which required court action. Second, centralized control in Washington had removed law enforcement too far from the appreciation of the people themselves as to its requirements. The Federal Government was undertaking too much responsibility, particularly for local law enforcement. The people were apparently forgetting their responsibilities under self-government. By localizing administration it could be made much more efficient and the people themselves could be made conscious of what law enforcement really required.

For the above reasons the Federal Judicial District was made the unit of organization and the chief in each district was instructed to get into close relations with the Federal District Attorney in that district and, forming a team with him, proceed to the greatest possible accomplishment in their common task. These Federal Judicial Districts were then grouped into Prohibition administrative districts, twenty-two in number in the continental United States, each presided over by a Federal Prohibition Administrator who was given the full authority and responsibility for the administration of the laws in his district. This necessarily included power to select his own personnel.

Headquarters in Washington meantime is charged with the supervision of the Administrators in the determination of policies, uniform standards, formulae, etc. Headquarters

*Continued on page 214*

## Prosecution of Prohibition Violation Cases

By MRS. MABEL WALKER WILLEBRANDT

*Assistant Attorney General in Charge of Prosecution of Prohibition Cases, U. S. Department of Justice*

THE NATIONAL PROHIBITION ACT creates certain crimes cognizable in the Federal courts. The prosecution of these crimes in the courts is handled by the Department of Justice, in the same manner as are other Federal crimes. On the Treasury Department is placed the duty of conducting all investigations, the granting of permits, and the various administrative duties which flow from prohibition enforcement. This distinction between the duties of the Department of Justice and the Treasury Department is not popularly understood, and many requests are received by the Department of Justice for aid in performing the purely police and investigative features of enforcement. Sometimes criticism follows because of failure to act. The Bureau of Investigation of the Department of Justice handles such Federal crimes as are not specially placed in other investigating units to handle, and as Congress has given appropriations of considerable size to the Treasury Department, and given no increase whatever to the Bureau for such work, the duty of conducting investigations of alleged violations of the National Prohibition Act falls entirely on the various arms of the Treasury Department, such as the Prohibition Unit, the Coast Guard and the Customs Service.

The Assistant Attorney General in charge of the Division of the Department of Justice which carries out the duties placed on that Department by the National Prohibition Act also handles tax litigation and supervises

Federal prisons and prisoners. In personnel this Division has grown from two attorneys in 1921 to fifteen at the present time. General supervision of all United States Attorneys in matters relating to the liquor laws is exercised from headquarters, matters of universal policy determined, assistance rendered United States Attorneys and Prohibition officials when needed and close contact kept with the progress and condition of Prohibition enforcement as it is reflected in the Federal courts.

Necessarily, since the relation between the Department of Justice and the Treasury Department is similar to that of attorney and client, there must be intimate contact and close cooperation at all times. In carrying out its duties under the law, the officers of the Department of Justice are called upon to prosecute criminal violations, to institute injunction proceedings to abate liquor nuisances, to sue for recovery of liquor taxes and penalties, to defend the action of Prohibition officers in revoking or denying permits, to forfeit property used in violating the law, and to represent Prohibition officers charged with the commission of acts beyond the scope of their duties.

Ninety United States Attorneys, with varying numbers of assistants, in as many judicial districts, carry on the field work of the Department. In them is lodged the duty of conducting all Federal litigation before the courts, which of course includes a great deal of work other than prohibition. No new organization was set up in the De-



partment of Justice to handle prohibition enforcement, the increase in work being absorbed by the existing organization with such increases as the additional burdens warranted from time to time. Ever since the Federal courts started to receive the cases filed under the National Prohibition Act, they have been overworked and their dockets crowded. There has been some increase in the number of Federal judges and undoubtedly other additions will be made, since today the most difficult matter in prohibition enforcement is to get prompt trials and early disposition of pending cases.

Inasmuch as the Department of Justice originates no cases but accepts the facts as developed by the investi-

gating units of the Treasury Department, and institutes prosecution thereon, it is vitally interested in seeing a skilled body of investigators created in that Department. While this Department has been given no additional appropriations for such work, it has occasionally to complete a case started by other agencies, or growing out of one of its own investigations, assigned agents of the Bureau of Investigation to carry on and complete an important case, and has been uniformly successful in such instances. A body of trained agents would tend to alleviate present crowded conditions in the Federal courts by

*Continued on page 214*

## Prohibition Legislation In 69th Congress

**A**PPROXIMATELY one hundred measures relating to some phase of the prohibition of alcoholic liquors were introduced during the first session of the 69th Congress. About one-third of these bills provide for the strengthening of the enforcement law while the majority of the remainder are aimed at modification of the national prohibition act to permit the manufacture and sale of beer and light wine. Bills and resolutions were also introduced to provide for a national referendum and for local option.

The House bills were for the most part referred to the House Committee on the Judiciary. No action was taken by the Committee on the so-called "wet" measures. Action in the House on "dry" bills is listed below under "The Administration's Dry Program."

In the Senate a Subcommittee of the Senate Committee on the Judiciary held public hearings on the following bills from April 5 to 24, 1926: "Wet" Measures: S. 33, S. 34, S. 591, S. 592, S. 3118, S. 3891, S. J. Res. 34, S. J. Res. 81 and S. J. Res. 85; "Dry Measures: S. 3823 and S. 3411. On May 17, the Committee reported favorably to the Senate the Goff bill (S. 4207, original number, S. 3823) to amend and strengthen the national prohibition act. (For digest of provisions see below under "The Administration's Dry Program." Upon recommendation of the subcommittee, the Judiciary Committee also recommended to the Senate that all of the so-called "wet" measures be "indefinitely postponed." The measures are as follows:

### *Repealing the Eighteenth Amendment:*

S. J. Res. 34, by Senator Bruce, Md., D., proposes a repeal of the Eighteenth Amendment and the substitution of an amendment to the Constitution to provide for government manufacture and control of intoxicating liquor, or, in the discretion of Congress, a return to the license system, ex-

cept in States which have State-wide constitutional prohibition.

S. J. Res. 85, by Senator Bruce, proposes to amend the Eighteenth Amendment with regard to "intoxicating liquors." *Repeal of the Volstead Act:*

S. 592, by Senator Edwards, N. J., D., proposes to repeal the National Prohibition Act.

### *Raising Alcoholic Content:*

S. 33, by Senator Edge, N. J., R., and S. 3118, also by Senator Edge. These measures provide for an increased alcoholic content in beer and permitted beverages. S. 33 provides for 2.75 per cent alcohol in permitted beverages. S. 3118 proposes to leave it to each jury to determine what is "not intoxicating in fact."

S. 591, by Senator Edwards, provides for 4 per cent beer. *Medicinal Whiskey:*

S. 34, by Senator Edge, provides for the removal of the limitations now placed on doctors in prescribing medicinal whiskey, to-wit, that not more than one-half pint of alcohol (or something over a pint of whiskey) shall be prescribed every ten days.

### *National Referendum:*

S. J. Res. 81, by Senator Edge, provides for a national referendum on the National Prohibition Act (Volstead Act).

### *State Local Option:*

S. 3891, Senator Edge, provides for State local option.

On May 24, Senator Edge on the floor of the Senate offered three amendments to the proposed Goff bill (S. 4207) to amend the Volstead act as follows:

The first amendment proposes a national referendum on the Volstead act and repeal and modification of the Eighteenth Amendment.

The second amendment proposes to change the general definition of intoxicating liquor, now one-half of 1 per cent, to "nonintoxicating in fact."

The third amendment proposes to give the public the privilege of producing in the home any beverage "nonintoxicating in fact" instead of confining legitimate home brew to ciders and fruit juices under section 29 of the Volstead act.

## The Administration's Dry Program in the 69th Congress Legislation Recommended by the U. S. Treasury Department

### *Provisions and Status*

In addition to bills covering appropriations for the Prohibition Unit, Customs Service and Coast Guard, the following legislation carries the recommendations of the U. S. Treasury Department:

(1) H. R. 10729—A bill to create a Bureau of Customs and a Bureau of Prohibition in the Treasury Department. Introduced by Mr. Green, Ia., R. Provides for the reorganization of the Prohibition Unit and of the Customs Service, making effective coordination of Customs, Coast Guard and Prohibition for law enforcement under one assistant secretary. The bill passed the House April 27. Referred to Senate Committee on Finance. Reported with an amendment May 20, 1926. Report No. 890. Pending on Senate Calendar.

(2) S. 3823—A bill to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto. Introduced by Mr. Goff, Va., R. Three bills relating to smuggling and permits, introduced by Mr. Cummins (S. 4100; S. 4103 and S. 4104), were incorporated into the Goff bill, and the revised bill was reintroduced by Mr. Goff on May 8 as S. 4207. On May 17th the Senate Committee on the Judiciary reported the bill favorably with amendments. Report No. 839. Pending on the Senate Calendar.

In the House a companion bill (H. R. 12215) was introduced May 17, 1926, by Mr. Graham (by request), and was reported by the House Committee on the Judiciary June 10, 1926. House Report No. 1447.

(3) H. R. 3821—A bill to place Federal prohibition agents under the Civil Service was introduced by Mr. Cramton, Mich., R. The bill was passed by the House March 29, 1926. Reported by the Senate Committee on Civil Service with an amendment April 13, 1926. Report No. 584. Pending on Senate Calendar.

(4) H. R. 377—A bill to amend the national prohibition act to provide for increased penalties for violations of the act. Introduced by Mr. Stalker, N. Y., R. The bill is before the House Committee on the Judiciary. No hearings were held this session, but extended hearings were held in the last Congress, after which the bill was reported to the House. The administration considers this bill particularly important to law enforcement through the increased penalty for commercial violations.

Two bills for the Coast Guard have been passed by the House. Each of these measures was introduced at the request of the Secretary of the Treasury and after consideration and approval by the Bureau of the Budget, representing the President. The two bills are:

(5) H. R. 10973—A bill to readjust the commissioned personnel of the Coast Guard. Introduced by Mr. Hoch, Kans., R. Reported by the House Committee on Interstate and Foreign Commerce, April 28, 1926. Report No. 1022. Passed the House May 17, 1926. Reported by Senate Committee on Commerce without amendment May 26. Report No. 933.

This bill is an authorization. If enacted at this session, no additional money for the fiscal year 1927 will be asked for on account of the measure. The maximum increased annual cost incident to the bill, when in full operation, is \$146,000.

(6) H. R. 5026—A bill to provide for the construction of ten vessels for the Coast Guard. Introduced by Mr. Parker, N. Y., R. Reported by the House Committee on Interstate and Foreign Commerce April 28, 1926. Report No. 1021. Passed the House May 17, 1926. Reported by Senate Com-

mittee on Commerce, with an amendment, May 26. Report No. 934. The bill authorizes an appropriation of \$9,000,000. Passed by the Senate June 3, 1926. Approved June 10. Public Law No. 368.

(7) H. R. 11612—A bill making six changes in the Harrison Narcotic Act to make its enforcement more efficient. Introduced by Mr. Green, Ia., R. Referred to the Committee on Ways and Means. In the Senate a companion bill (S. 4085) introduced by Mr. Smoot, Utah, R., is before the Committee on Finance.

(8) H. R. 9731—A bill to establish a border patrol to aid in the prevention of smuggling. Introduced by Mr. Hudson, Mich., R., and referred to the House Committee on the Judiciary. A companion bill was introduced in the Senate (S. 3411) by Mr. Jones, Wash., R., and referred to the Senate Committee on the Judiciary.

(9) A supplemental appropriation bill, now being considered by the House Committee on Appropriations, provides for organization of new activities and for greater efficiency of others, thus setting up a machinery which experience has shown will be effective in breaking up the liquor traffic.

The administration also considers the creation of a group of mobile Federal Judges essential to law enforcement, also a law providing for extradition in Federal cases.

In addition to these nine items especially recommended by the Assistant Secretary of the Treasury Andrews, organizations supporting prohibition are urging the passage of legislation to provide for the deportation of aliens convicted of violation of the prohibition law. Subdivision 8 of section 2 of the revised committee bill (H. R. 12444) to provide for the deportation of certain aliens, applies to aliens violating the national prohibition law. This bill was introduced May 26, 1926, by Mr. Holaday, Ill., R., and was reported June 2 by the Committee on Immigration and Naturalization. House Report No. 1348. Minority report filed by Mr. Sabath, Ill., D. The House passed the bill June 7.

## A Digest of the Provisions of the Goff Bill As Reported by the Senate Committee on the Judiciary

Extracts from the Report of the Senate Committee on the Judiciary, May 17, 1926.

The Goff bill (S. 4207) is the result of the experiences of the prohibition department in the enforcement of the national prohibition act. It is intended to aid the department in its attempt to eliminate illegitimate manufacture, use, and sale of intoxicating liquors.

Section 1 contains definitions only.

Section 2 gives the Government the authority to supervise all manufacture of commercial cereal beverage. The Government needs authority to require owners of buildings and apparatus so set up as to make the manufacture of beer possible, to have the permits and the apparatus registered in order to eliminate real beer from the market.

Section 3 definitely makes all permits issued in Title II and Title III of the national prohibition act expire annually. This section also gives power to the commissioner to refuse to renew a permit if, in his discretion, such renewal tends to defeat all purposes of the national prohibition act. A review in a court of equity is provided for. Power is given to courts to issue temporary permits until the cases have been decided upon their merits. Legitimate business is therefore protected.

Section 4 is designed to bring denatured alcohol and denatured rum under the control of the Government and subject to seizure and forfeiture where it is being used in violation of the law. Adequate punishment is also provided for a violation of this section.

Section 5 amends the Penal Code by making it an act of counterfeiting to imitate prohibition enforcement blanks, permits, and other essential papers used in prohibition enforcement.

Section 6 is designated to amplify section 26 of the national prohibition act in such a way as to enable the Government to more effectively control the condemnation of vehicles used in violation of the prohibition laws. It provides that the vehicle may be condemned and disposed of without waiting conviction of the transporter. It carefully protects

any property rights in the vehicle held by innocent parties. It further provides that when pure liquors suitable for medicinal purposes are condemned, they may be turned over to hospitals and other suitable institutions having permits to use medicinal liquor rather than being destroyed as at present.

Section 7 is designed to give the Government officials the authority to enforce the provisions of the prohibition treaties. It provides that officials of the customs or the Coast Guard may board vessels with a view to search, etc. This section definitely gives the Coast Guard the right to search and examine an American vessel beyond the 4 leagues limit. This entire section is designed to stop smuggling by sea.

Section 8 is designed to authorize the issuance of search warrants on evidence [that private dwellings are being used for operation of commercial stills]. It is not intended that the home of private citizens should be invaded but is intended to search any place where intoxicating liquors are being manufactured for sale, barter, or exchange.

It is important that the Government have high-powered speed boats in dealing with rum smuggling by sea. The department has surplus Liberty motors which it can exchange without further cost for high-powered speed boats for this use. Authority for this must be had in law, which section 9 provides.

At present the national prohibition act is the only dry law for the District of Columbia. Section 10 is designed to authorize local authorities to exercise local police power to control liquor traffic within the District.

The original section 11 has been stricken from the bill by action of the Judiciary Committee and section 12 now becomes section 11. This section is the ordinary provision in regard to repealing or limiting any law now in force. It also provides that "The commissioner, with the approval of the Secretary of the Treasury, may issue such regulations as may be necessary to carry out the provisions of the National Prohibition Act."

## U. S. Senators Discuss Prohibition Issue

### Pro

HON. WILLIAM E. BORAH  
U. S. Senator, Idaho, Republican

THE EIGHTEENTH AMENDMENT was not adopted, as is so often said, in haste or without due deliberation upon the part of the people of the United States. For some 50 years the subject of prohibition had been under discussion throughout the country, and at the time of the ratification of the amendment 33 States of the Union had adopted prohibition. After the amendment was submitted to the States for ratification, I believe, all except two States ratified it. No amendment to the Constitution has ever been adopted after so prolonged a consideration as was the eighteenth amendment. Whatever its merits or its demerits may be, there can be little controversy over the proposition that it was a deliberate act at the time it was written into the Constitution of the United States. It was perfectly clear at that time that the people intended to promulgate a national policy and that policy they inserted into their charter of government.

The language of this amendment is specific and all-encompassing—that the manufacture, or sale, or importation, or exportation of intoxicating liquors “for beverage purposes is hereby prohibited.”

We are now engaged in a great campaign to find a way by which to evade the Constitution of the United States without apparently doing so; to find a method or a means by which we can counteract or nullify its terms and conditions without specifically repealing this part of the Constitution or without modifying it directly. It is a campaign to sterilize the Constitution while professing to respect it.

So long as the Constitution stands one thing is more fundamental than prohibition, and that is the enforcement and the upholding of the Constitution.

We are discussing these days, the question of what we shall do with reference to amending this provision of the Constitution; and about the first suggestion that comes to me when I suggest that the situation can be met only by constitutional amendment is that it takes too long, that it will take an infinite amount of time to change the Constitution of the United States, and that there must be some way by which the law can be so modified that we can get intoxicating liquor without offending the Constitution itself. In other words, the clear implication is that by ignoring not only the spirit of the Constitution but the letter of the Constitution, we can pass a law which will give percentages of alcohol sufficient to enable the people to enjoy, as they claim, their right to the use of intoxicating liquor. Impatience with the law is mob rule. The man hunting his neighbor with a shotgun is simply impatient with the law, and those who would disregard the Constitution because it takes too long to amend it are appealing to the spirit of the mob.

The proposal is not to amend the Constitution of the United States. The provision which imposes upon the National Government the inhibition of the sale and use of intoxicating liquors remains; but the proposal is to modify the statute which was passed, leaving the enforcement of the principle of the Constitution and the protection of the

*Continued on next page*

### Con

HON. WILLIAM CABELL BRUCE  
U. S. Senator, Maryland, Democrat

BEGOT BY THE abuses of the old saloon, and hastened to maturity by the economic necessities and uncalculating enthusiasm of the World War, and by the lavish use of money and political threats by the Anti-Saloon League, national prohibition went into legal effect upward of six years ago, but it can be truly said that, except to a highly qualified extent, it has never gone into practical effect at all.

Ever since the eighteenth amendment and the Volstead Act became parts of the legislation of our land the human instinct of personal liberty, guided by a correct sense of the limits within which natural law can be controlled by municipal ordinances, has maintained an unbroken resistance to them; and nothing can be more unwarranted than the statement often heard that this resistance is limited to a single self-indulgent social class.

It is not limited to any social class or sect. It has brought about close working relations between the bootlegger and thousands of the most intelligent and virtuous members of American society who feel no more compunction about violating the Volstead Act than the free-soiler did about violating the fugitive slave law, or the southern white did about nullifying ignorant negro suffrage; the Federal Constitution in each instance to the contrary notwithstanding.

Prohibition in the United States, under the provisions of the eighteenth amendment and the Volstead Act has proved a disastrous, tragic failure, and aside from precipitating the end of the old saloon, which would have gone in time anyhow, with the steady increase of temperance that was under way when the eighteenth amendment was adopted, has had no effect, on the whole, except that of blighting human happiness, debasing human morals, and discrediting human laws. Once there was a time when it was commonly said that whether the States or their cities failed to enforce their penal laws or ordinances or not, the Federal Government never failed to enforce its penal laws; and that was true; but it is true no longer, for the fact has been established by irrefragable proofs that during the last six years the Federal Government, effective as may be the ordinary course of its judicial procedure, is powerless to enforce a statute, or even a constitutional provision that attempts to make something criminal at all times and places and under all circumstances that is not essentially criminal per se and therefore has no true moral sanction back of it.

The vast majority of people in the United States can use spirits, wine, or beer without the slightest injury either to themselves or to others; indeed, with nothing but a perfectly legitimate enhancement of the joy of agreeable and rational living, and to say that even as to them drink must be totally abolished, no matter how carefully safeguarded by proper municipal regulations, is about as just and sensible as it would be to say that motor cars are no longer to be used for pleasure purposes because they are often made the instruments of lewdness, robbery, or murder, or that we are no longer to warm our hands

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*Pro*—continued

HON. WILLIAM E. BORAH—continued

integrity of the Constitution to the respective States, while the National Government itself entirely abandons that obligation.

It is seriously proposed that the Federal Government shall abandon the interpretation and enforcement of its own great charter and through sheer cowardly, contemptible expediency leave it to 48 States with 48 different rules and standards to enforce and uphold it.

The great Civil War was fought over that principle. To my mind it is treason; it is a deliberate evasion of the Constitution, a nullifying and an annihilating of the charter under which we live. It is disloyalty to the first principle of a Federal Union and a violation of the oath which every Federal officer takes when he takes office.

The people who are insisting upon "light wines and beer" are not insisting upon the change for the purpose of getting more nonintoxicating liquor. All this disturbance and all this debate are not for the purpose of securing nonintoxicating liquor. What they understand is that they are to secure intoxicating liquor; that wines and beer such as will give them their intoxicating drinks are to be allowed.

They are not asking for a percentage that will add a little more flavor to a drink. They want something which will be intoxicating, and that is what they are fighting for. Would the people who oppose the present Volstead Act be satisfied if it were changed so as to give a non-intoxicating drink?

What we are seeking to do, as I understand it, is to readjust the situation so as to satisfy, if possible, the country against persistent insistence upon a change of the prohibition law. If we fix it at a percentage which does not give intoxicating liquor, it will solve nothing. On the other hand, if we do fix it at a percentage which will give intoxicating drinks, we will have violated the Constitution.

I contend that all this maneuvering with reference to percentages, and so forth, is to evade the Constitution of the United States, to undermine and destroy the morale of its enforcement, and not for the purpose of solving the question within the provisions of the Constitution.

The liquor problem can not be disposed of by amendments which do nothing more than add an additional flavor to the drink. It can not be put at rest by changing the percentage if that percentage fails to give intoxicants. The contest is not over percentages. It involves deeper and more searching questions. After you have made your changes as proposed, if you remain within the provisions of the Constitution, your liquor problem will still be here, unsettled, undetermined, haunting the corridor of Congress and tormenting public opinion.

Whether prohibition stays or goes, the Constitution should be maintained and supported as it is written by all law-abiding people until it is changed in the manner pointed out by the Constitution. Obedience to the law is the rock foundation upon which our whole structure rests. To disregard it is to strike at the life of the Nation. And while disrespect for law applies to all laws, statutes, and enacted laws, there is a more sacred import to that rule of conduct when the Constitution itself is involved. It is the charter of our Government, defining and guaranteeing the rights of the citizen, prescribing the limitations of government, and to disregard it to spell the end of order and representative governments,—Ext., see 5, p. 215.

*Con*—continued

HON. WILLIAM CABELL BRUCE—continued

before a cheerful fire in a fireplace, because it might escape from its confinement and work untold havoc.

It is sometimes said that the Volstead Act has not been successfully enforced because the Federal Government has not made a thoroughly sincere effort to enforce it. This statement is unwarranted. Never in the history of free institutions has any government more pertinaciously sought to carry out a policy, obnoxious to a powerful popular sentiment, than has the Federal Government in its relations to the Volstead Act. If it has not had its way, it has been only because of the vast amount of public hostility engendered by the artificial and impracticable nature of prohibition itself, and because of the extent to which the fidelity of many Federal prohibition and State police officials has succumbed to the corrupting guile of a secret and unlawful business conducted by daring and unscrupulous men and patronized by reputable American citizens. Such an unnatural act is in itself an incessant incentive to faithless administration.

Beginning for the year 1921 with an appropriation to the Treasury Department for the enforcement of the national prohibition act of \$6,350,000, congressional appropriations to the same department for the same purposes have increased from year to year until for the year 1926 they have amounted, to date, to \$9,678,734.09, and when to this amount are allocated the shares of the total amounts now appropriated for the general expenses of the Coast Guard and the Department of Justice, respectively, which are properly chargeable to the cost of enforcing the Volstead Act, there is good reason to believe that the current estimate that the enforcement of that act is costing the Federal Government at the present time, some \$30,000,000 per annum is not excessive.

It is confidently asserted that the extraordinary prosperity of the United States at the present time, as reflected in abundant employment, increased savings-bank deposits, and the purchase of motor cars is referable to prohibition. At best, that kind of argument is founded upon such vague premises as to be practically worthless. It is hardly worth my while to deny that the present economic condition of the United States is not due to prohibition when there is no such thing as prohibition.

Prohibition does not exist in Canada, outside of some of its maritime Provinces and Ontario, which, however, does not lack 4.4 per cent beer. Yet the economic welfare of Canada during the last few years, as evidenced in building and other material activities, is so amazing that at times the Canadian dollar has commanded a premium over our dollar.

How is the general state of things that I have pictured to be corrected? I answer by frankly recognizing the fact that the human appetite for drink is just as natural as the human appetite for food or reproduction; that it can be regulated but not eradicated, except, perhaps, at a cost in terms of money and tyranny that modern civilization will not long endure, by amending the Volstead Act so as to allow the use of 2.75 per cent beer; and by amending the eighteenth amendment to the Federal Constitution in such a manner as to authorize the Federal Government to take over the entire management and control of the liquor traffic; so far as State local option shall permit it to be carried on at all.—Extracts, see 4, p. 215.



**Pro—continued**

HON. C. C. DILL

*U. S. Senator, Washington, Democrat*

THE ANTIPROHIBITIONISTS argue that the alcoholic content of the beer and wine which they would legalize would not be intoxicating. They say one-half of 1 per cent is too low, that the percentage should be higher in order to satisfy the craving for a beverage with a kick in it. The trouble is that if it is high enough to have a kick in it, it becomes intoxicating.

What is the highest percentage that is nonintoxicating? The only answer to that question is to be found by experiment. What intoxicates one person may not intoxicate another, and vice versa.

How did Congress happen to fix one-half of 1 per cent as the alcoholic content for nonintoxicating liquors? Who originated that definition? The answer is most interesting. It was the brewers and distillers themselves. As long ago as 1862 they demanded an enactment to protect them against illicit liquor dealers who had no license and insisted that any liquor whose alcoholic content is above one-half of 1 per cent was intoxicating.

The officials of the Government accepted that definition, and for more than half a century that was the accepted limit of alcohol for nonalcoholic liquor. In addition to that, 26 States had previously fixed one-half of 1 per cent as the limit of alcohol in nonintoxicating liquors, and 38 States now have laws that would make a Federal law raising the alcoholic content above 1 per cent entirely illegal within those States.

A beer and wine amendment to the Volstead Act would bring back more than 90 per cent of the old liquor business, because 92 per cent of saloon business in the United States before prohibition was beer business. It would bring back 150,000 to 175,000 saloons. Of course the beer and wine advocates say that they are opposed to the restoration of the saloon. It isn't a question of what they want. It is what would be the result.

If we can't enforce prohibition now, think what it would mean if 150,000 saloons selling beer were available for the selling of whiskey. If they sold beer a large percentage of them would sell whiskey, too. They never obeyed the law before prohibition except in paying license fees, and they would not obey it again.

The proposal to regulate the drinking evil by licensing wine and beer is not new. It was tried by several States before national prohibition was established. Georgia and Iowa particularly found it made conditions far worse.

It would make conditions worse all over the United States again because it would give legal sanction to the development of the alcohol habit. Alcohol is a habit-forming drug. One drink calls for another, and the use of beer and wine would only increase the demand for alcohol. An ordinary glass of beer contains about ten times as much as a drink of whiskey, so that two glasses of beer with 2.75 per cent alcohol would more than equal one drink of whiskey with 40 per cent alcohol.

Since to bring back beer and wine would only make conditions worse, there is only one course to follow if we are to remedy the evils that confront us, and that is the straightforward, honest course of obeying an enforcing the law.

How shall we do this?

First. There should be a nation-wide educational cam-

*Continued on page 205*

**Con—continued**

HON. WALTER E. EDGE

*U. S. Senator, New Jersey, Republican*

ANY LAW that has brought in its trail the havoc, the defiance, and the corruption which has followed the Volstead Act can not be successfully defended. It has not brought temperance; it has increased intoxication.

It is entirely beside the question to insist that all law, no matter how unpopular, should be obeyed. No one disputes that. Neither does such insistence solve the problem.

This act has been given a fair trial. Hundreds of millions of dollars have been expended in an unsuccessful effort to enforce it, and yet violations have increased year after year.

Today we have all the evils of preprohibition days plus increased drunkenness and arrests, increased alcoholic insanity and deaths, widespread corruption in the public service, more dives than we formerly had saloons, an appalling increase in liquor drinking among young men and young women, practically unknown before prohibition, and a general disrespect for all law that threatens the very foundation of the Republic.

What can we do about it?

We should make the Volstead Act as honest as is possible to accomplish through legislation. Today it is an indefensible contradiction.

Do you realize that under its terms citizens are permitted to produce wine and cider for home consumption up to the point of proven intoxication, while the same citizens are criminals if they make or possess beer or cereal beverage containing one-half of 1 per cent alcohol, which all admit is not intoxicating or near intoxicating?

This discrimination in itself furnishes an excuse, warranted or otherwise, for thousands of citizens to utterly disregard a law so inconsistent and so unjust.

The prohibition amendment only prohibits intoxicating beverages. Then why should Congress profit nonintoxicating beverages?

Government prohibition officials, district attorneys, and Federal judges engaged in enforcing the law now freely admit that these inconsistencies make their work impossible.

Everyone is desirous of a temperate condition. But the Volstead Act has not brought that about.

Modification of the act within the clear terms of the Constitution would partly subdue the spirit of protest and challenge now so apparent.

Again, would it not be far better for the morals of the Nation to have a temperate condition than prohibition that does not prohibit, but rather breeds defiance, and in addition leaves in its wake a rapidly broadening trail of misery and corruption?

United States District Attorney Buckner in New York disturbed those who decline to admit failure by claiming with present Federal appropriations, which according to Attorney General Sargent amount now to \$30,000,000 a year, he was unable to more than make an effort to cover one-fifth of the violations.

This is entirely apart from the millions States and municipalities are spending and the millions it costs to maintain the courts of the country, both State and Federal, whose work today is almost exclusively confined to violations of the prohibition act.

*Continued on page 205*

## Recent "Dry" and "Wet" Arguments Presented to Congress

### "Drys"

RT. REV. WILLIAM T. MANNING  
Bishop of New York

I BELIEVE that the prohibition law properly enforced will make us a healthier, stronger, and better people, and I believe that these laws can be and ought to be enforced and are being more and more generally observed in the country as a whole.

I recognize the truth of much that is said as to the increase of drinking among certain groups and classes of people, the lowering of standards, the flask-carrying, and other disgusting and degrading practices which have been introduced among those who ought to know better and to have nobler ideals of life. I recognize the evil and corruption connected with bootlegging, in connection with which let us remember that the respected members of society who patronize the bootlegger and so create him are just as reprehensible as the men whom they thus tempt, and pay, to violate the law.

We must remember, however, that the pictures of these violations of the law are drawn usually by those who wish to use them as an argument for the repeal, or modification of the law. Other laws are difficult of enforcement, and are frequently violated, but we do not therefore suggest their modification or repeal.

We must consider this law not in its effect upon certain groups or communities who willfully choose to defy and violate it, but in its effect upon the life of the country as a whole and, so considered, there is, in my judgment, no room for serious doubt as to its beneficial results.

By a great part of the people we see this law respected and obeyed. We see its observance in the country as a whole increasing and not decreasing. We see the lives and homes of wage earners and plain people immeasurably benefited by it. We see in many places jails closed because they are no longer needed.

The return to the sale of wines and beer, which some are advocating, would in my judgment increase, and not reduce, the present evils, and would make any enforcement of the law impossible. I do not believe that the country as a whole will listen to this.

Briefly there are three or four main facts in regard to this question as I see them. This law is not a wrong, or evil or impious one, such as we should be justified in refusing to obey. I quote the words of John G. Sargent, Attorney General of the United States: "That a traffic which for generations has been recognized, and discussed, and written about, by economists, sociologists and jurists as an evil may be marked for extinction by the law-making power and agencies of the country is not only settled law—settled beyond the stage of being longer open to question—but it has been settled, and rests on foundations of soundest reasoning." Our country had the full right to make this law.

The prohibition law being the law, it is the duty of every good citizen to obey it. To quote the Attorney General again: "In this country the will of the people, expressed at the ballot box, creates the duty of the citizen upon the subject voted upon." The Attorney General no doubt recognizes, as I certainly do, that a law might be

*Continued on page 205*

### "Wets"

NICHOLAS MURRAY BUTLER  
President of Columbia University

TWO YEARS ago I offered a prophecy about prohibition and gave five years for its fulfillment. In less than half the time allotted all that I foresaw has come to pass—and more. Indeed, the mass attack of the labor forces of the country on the Volstead Act, the public confessions of General Andrews and District Attorney Buckner and many other law officers, as to the futility and utter failure of attempted "enforcement," the supporting evidence that came across the border from leading Canadians as to their sad but wholly confirming experiences with prohibition—all these have far outrun my prophecy of April, 1924.

The issue is now squarely before the country. No amount of fanatical zeal for impossible "enforcement" can stem the tide of popular indignation and longer delay an honest examination of the whole question. Even the almost hysterical appeals of the earnest but, as I believe, wholly misguided and uninformed women who have just appeared before the Senate committee in Washington can avail little. Their testimony was discounted in advance of their appearance by the strong evidence of General Andrews and others, who had been making long and honest efforts to enforce the law; and, in particular, their views had been answered by the testimony given as to the changed attitude of the women of Canada.

I have myself covered the women's point of view a few weeks ago in replying to a letter from a woman correspondent in my native State of New Jersey. What I then stated has been confirmed by an overwhelming mass of evidence presented before the Senate committee in Washington. The plain truth is that prohibition has nothing whatever to do with temperance. Indeed, being itself intemperate, it contradicts the suppression of the liquor traffic. It has developed that traffic to an unheard-of extent and has brought to those who engaged in it unsupervised and untaxed profits so colossal that they represent the revenues of a kingdom. It has restored the liquor traffic to States and sections from which it had almost, if not entirely, disappeared and it brought in its train a corruption and an immorality, public and private, that never can be measured. The prohibitionists are about the only effective friends of the liquor traffic that are left.

Prohibition is something quite different from the suppression of the saloon. It is true that the saloon has almost everywhere disappeared from view, but in tens of thousands of cases it has only been driven out of sight. In the Province of Quebec, on the other hand, where a rational, sensible and moral attempt has been made to deal with the liquor problem, there are no saloons and no liquor traffic. Where the United States has signally failed, the Province of Quebec has triumphantly succeeded, as was so strongly established in the recent testimony in Washington. We are a hundred years behind our neighbors in dealing with this social problem. They have found a democratic and an ethical solution and one consonant with common sense, with civil liberty

*Continued on page 205*

**"Drys"—continued**

MRS. ELLA A. BOOLE

*President, National Woman's Christian Temperance Union*

**F**OR NEARLY fifty years the Woman's Christian Temperance Union has carried on an educational campaign to deliver our land from the drink habit and drink traffic. It is not strange that women should have initiated a prohibition campaign, for women have ever been the greatest sufferers from drink. Their husbands, their homes, their sons and daughters had been destroyed. They in the beginning did not count the cost in dollars and cents, and do not count it now, for the welfare of all these is above money.

National prohibition came after many methods of dealing with the drink habit and the drink traffic had been tried, among them pledge signing, the reformation of the drunkard, no license, and local option campaigns, high license, and State-wide prohibition, but the organized liquor traffic, limitation of territory, and human weakness prevented the success all these efforts deserved. Every step of the way, however, was opposed then as now by moderationists, the immoderate drinker, and those financially interested in the liquor traffic.

The entrance into the World War called attention to the fact that the use of alcoholic liquors was injurious to health, a hindrance to discipline, a source of immorality, and a waste of money.

There were 507 distilleries, producing 268,000,000 gallons of distilled liquors, 130,000,000 gallons made into whisky, and 1,300 breweries producing 2,000,000,000 gallons of beer. Now 400 cereal-beverage manufacturers are making 160,000,000 gallons of near beer. Suppose all this near beer is in reality real beer. Who is supplying the other 1,840,000,000 gallons of beer that Americans used to drink?

The closing of the open saloon is an outstanding fact and no one wants it to return. It has resulted in better national health, children are born under better conditions, homes are better, and the mother is delivered from the fear of a drunken husband.

The prohibition law is not the only law that is violated. Traffic laws, antismuggling laws, as well as the Volstead Act, are held in contempt. It is the spirit of the age. The machinery of enforcement should be strengthened. Provision should be made for an adequate number of judges to secure speedy trials, adequate punishment should be meted out to violators of the law. There should be a sufficient number of inspectors to secure careful supervision of permits, and a checking up process to prevent leakage. The States should cooperate by enacting State codes fixing responsibility upon police authorities and using State courts in minor infractions of the law.—*Extracts, see 4, p. 215.*

MRS. HENRY W. PEABODY

*Chairman, the Women's National Law Enforcement Committee*

**W**E REPRESENT here today not only organizations of women, but, as a whole, we represent the home, the school, the church, and we stand firmly for no amendment to the eighteenth amendment. We hold the Constitution of the United States inviolate. We stand for no modification of the Volstead Act, but rather a strengthen-

*Continued on next page***"Wets"—continued**

WILLIAM H. STAYTON

*Founder and National Head of the Association Against the Prohibition Amendment*

**T**HE EVIDENCE presented in the hearings before the subcommittee of the Senate Judiciary Committee, uncontroverted and unchallenged, shows:

That authenticated statistics compiled and reported by the police departments of practically all of the larger cities of the United States, and many smaller ones, reveal a progressive and continuous increase in arrests for drunkenness from 1920, the first year of constitutional prohibition, to 1925, inclusive, thereby proving that prohibition is not now effectively enforced anywhere in the United States.

That arrests for drunkenness began to decline in practically all cities of the United States in 1917 and continued to drop rapidly during 1918 and 1919, and that during the period of this decline in arrests for public intoxication, milder beverages, such as beer and wine, were the principal drinks readily available for public consumption.

That by 1924 the arrests for drunkenness in the principal cities of the United States were practically as great in number as in 1916 and 1917 when they reached the high peak, and that available reports show that in 1925 they had gone higher than the preprohibition peak, thus proving that prohibition as a remedy for intemperance is a total failure.

That attempted prohibition enforcement, for the first time in the history of the Republic, has introduced into important departments of the Federal Government, corruption on a colossal scale, and scandals of such magnitude as to bring discredit upon the agencies of the Government and shake the faith of the people in the integrity of the government they set up for their protection.

The testimony of Assistant Secretary of the Treasury, General Andrews, revealed that 875 prohibition agents have been dismissed for corruption. These figures represent only the discovered corruption, and there are none so sanguine as to believe that they represent more than a small proportion of the actual corruption that has existed in the prohibition unit from the day it was originated.

That after six years of national prohibition, and the expenditure of vast sums of money to enforce the law, the manufacture of alcoholic beverages by illicit distillation and diversion and conversion of denatured industrial alcohol, has become a great and growing industry. The money value of the output of these products was estimated by accredited agents of the Federal Government, charged with the duty of enforcing the prohibition law, as several times as great as the combined expenditures for whisky, wine, beer, and other alcoholic beverages before the ratification of the Eighteenth Amendment.

Federal District Attorney Buckner of New York estimated the money value of alcoholic liquor fabricated from redistilled denatured alcohol in the States of New York and Pennsylvania alone, to be more than \$3,600,000,000 a year, and Federal Prohibition Administrator Frederick C. Baird of the Pittsburgh district, estimated the value of the moonshine products of the stills he had captured in his district, in an eight-months period, to be in excess of \$2,000,000,000 a year.

These facts show the value of the unlawful output of alcoholic liquor in a very small territory of the United

*Continued on next page*

**"Drys"—continued**

MRS. HENRY W. PEABODY—continued

ing. We stand for strict law enforcement, with the removal of all men who do not strictly enforce the law.

If liquor was sold under license, by whatever name called, the place where it was sold, without any question, would result in the old conditions of the saloon. If it were sold without license—2.75 per cent beer or 4 per cent beer—we should have a much more serious condition than under license.

As women, we know the old saloon and the wreckage in homes and lives of boys, men, and women. While the vote for the eighteenth amendment was the vote of the men—it was also the vote of the women who had prayed and worked for protection from this ancient evil. We are convinced that we have a good law—a righteous law—written into the Constitution of the United States—that it does not in any way affect the personal liberty of well-doers—those loyal to the highest interests of the country.—Extracts, see 4, p. 215.

EVANGELINE BOOTH

*Commander, Salvation Army*

**T**HE SALVATION ARMY in the United States has a force of over 4,500 officers who spend their whole time in this work. As these officers include in their responsibility tens of thousands of local officers and soldiers who are in intimate touch with the people who were formerly the victims of the drink traffic, their experience endows me with peculiar competence to witness to the salutary effect which the banishment of the saloon has had upon myriads throughout our land.

The field officers who conduct meetings in hall and in the open street and who are charged with the responsibility of relieving the needy in their community, bear united testimony that the old degradation through drink has practically disappeared. Before prohibition our records show that 50 per cent of the cases that came to us were drink addicts and in many instances alcoholism was the cause of the downfall. Since prohibition only 1 per cent of the cases that come to us are traceable to that cause.

Several bills and resolutions are before Congress designed to amend the present law. Some attack the Constitution and some the supporting statute and the chief argument for doing so is grounded upon the assumption that the present law is unenforceable—an assumption which I am convinced is entirely erroneous—and my conviction is born of the fact that an almost identical law was enforced in many States before prohibition was written into the Constitution and this law is being enforced with reasonable success throughout the larger part of the Union.

To debit the prohibition law with the onus and the shame of all the violations that abound is tantamount to charging that the holy commandments of God are responsible for the wickedness of mankind.

Solution lies not along the path of modification. The thing this law is designed to deal with is essentially evil. I earnestly entreat that no stain of modification or nullification be permitted to tarnish this most righteous and beneficent law. Before all the world the United States has lifted the standard. Never before the world must the standard be lowered or withdrawn.—Extracts, see 4, p. 215.

**"Wets"—continued**

WILLIAM H. STAYTON—continued

States, not including any smuggled liquors, to be approximately \$5,600,000,000 a year—about four times the value of all alcoholic liquors consumed in the United States before prohibition. In these calculations no account is taken of moonshining, unlawful distilling, diversion and conversion of industrial alcohol, outside of the States of New York and Pennsylvania, nor has consideration been given to the facts that moonshining is a much more general practice at points removed from the seaboard, and in so-called dry territory, than in the Eastern part of the United States where there has been an almost uninterrupted supply of smuggled liquors.

Furthermore, these estimates do not touch the value of the quantity of liquors—whisky, gin, wine, cider, beer, applejack, and other alcoholic concoctions now generally made in the homes throughout the length and breadth of the country—in the cities, in the suburbs, and on the farms.

That the manufacture of moonshine whisky is an almost universal practice, as illustrated by the fact that 172,000 stills or parts of stills were captured in 1925, and that the number captured year after year, has increased rather than diminished, and that the Federal Administrator of Prohibition admitted that not one still in ten in actual operation is captured by the agents of the Government.

That the stills and parts of stills were captured in vastly greater numbers in so-called dry States than in wet States, proving conclusively that where it is more difficult to obtain smuggled or diverted whisky, the demand is supplied by local manufacture.

That the enforcement of the prohibition law in centers where the sentiment of the people is strongly arrayed against it—which condition prevails in most of the populous centers of the United States and in many of the smaller cities—has become such a difficult, corrupting and crime breeding problem, that the time and effort of public officials is so largely occupied in attempted suppression of its evils that they are compelled to neglect other vastly more important public duties.

That prohibition has led to increased drinking of intoxicating liquor on the part of women and children; that it has popularized the hip pocket flask; that it has made the serving of liquors in the homes a social custom; that it has contributed directly to a condition of immorality graphically and tragically illustrated in an alarming increase in social diseases, especially among the youth of the land.

That prohibition has created a vast army of rum-runners, moonshiners, bootleggers, and corrupt public officials, thereby directly breeding a condition of lawlessness unequalled in the history of the Republic, and that this era of lawlessness has been disastrous to the moral standards of government and individual citizenship, and that its evil outcroppings have been evidenced by the preponderance of desperate and violent crime now being perpetrated by the very young.

That the cost of even moderately effective control of the commercialized traffic would mount to prohibitive sums, it being estimated by United States District Attorney Buckner of New York that it would require an appropriation of at least \$75,000,000 a year to restrain the commercialized industry in the State of New York.

*Continued on next page*



**"Drys"—continued**

ERNEST H. CHERRINGTON

*General Secretary, The World League Against Alcoholism*

THOSE advocating modification have suggested that prohibition does not represent national public opinion. Before national prohibition became operative 75 per cent of all the municipalities and villages, as well as 85 per cent of all the counties in the United States were already under prohibition. Sixty-eight per cent of the Nation's population, and 95 per cent of the land area was under prohibition by State enactment. Before we had national prohibition 66 of the 93 members of the United States Senate and 70 per cent of the Members of the House of Representatives were at the National Capital representing States and districts already under prohibition.

The official majority for the adoption and ratification of the eighteenth amendment to the Federal Constitution is unparalleled in the history of the Republic. The first 11 amendments to the Constitution were ratified by the bare three-fourths majority required. When it came to the twelfth amendment we had 17 States, but 4 of those failed to ratify. Five States failed to ratify the thirteenth amendment. Four failed to ratify the fourteenth. Six States did not ratify the fifteenth amendment. Six did not ratify the sixteenth amendment. Twelve States did not ratify the seventeenth amendment and 10 States have not ratified the nineteenth amendment. In the case of the eighteenth amendment, however, of the 48 States 46 ratified.

The aggregate majority for the original Constitution in all the State ratification conventions was about 2 to 1. The aggregate majority for ratification of the eighteenth amendment in all the State legislatures was more than 4 to 1.—Extracts, see 4, p. 215.

WAYNE B. WHEELER

*General Counsel of the Anti-Saloon League of America*

THE testimony of the advocates of modification of the existing prohibitory law, when analyzed, supply the strongest reason for the continuance of the present prohibitory statute. The very fact that the law is difficult to enforce is the clearest proof of the need of its existence. The alcoholic lawlessness of which complaint is made is not due to prohibition but to the age-old enemy of the human race, the alcoholic craving. It is contrary to reason to suppose that the alcoholic appetite can be lessened by making it easier to obtain alcoholic beverages. It is equally futile to expect that the desire for alcoholic stimulants can be lessened by legalizing the sale of beer and wine to supply the demand of those who have already acquired the craving and to develop the craving in those who have not already acquired it.

The testimony of professors, a football coach, and others in colleges in intimate touch with student youth has refuted the accusations against that portion of the younger generation. The latest statement from the Children's Bureau, filed with the committee, makes a general denial of the existence of any juvenile crime wave.

The American people do not favor any surrender to the bootlegger or to the brewer. This Nation has never retreated. It is not in the mood to permit criminals and lawbreakers to revise its Constitution and repeal its laws. It demands that those in authority attack the foes of law and order.—Extracts, see 4, p. 215.

**"Wets"—continued**

WILLIAM H. STAYTON—continued

That in addition to its complete failure as a temperance measure, as shown by the fact that public drunkenness is now as great as in any period before prohibition, it has visited upon the country a train of evils of far reaching and deadening effect upon the public morals and public conscience; that it has been a prolific breeder of crime; that it has demoralized the youth of the land, and that altogether it has been the greatest curse that ever came upon the country disguised as a blessing.

Judge Dever, the Mayor of Chicago, appeared before the committee and described with much detail how the entire police force of Chicago had been employed for three years in a continuous effort to suppress the commercialized traffic in alcoholic liquors, and how the time and effort of public officials were drawn from other vastly more important duties to enforce prohibition. The Federal District Attorney and the Mayor of Chicago were in substantial agreement that the commercialized traffic in Chicago was fairly under suppression, although the cost had been very great. Now, let us see just what enforcement means, even as effective as can be attained by combined and coordinated effort of Federal and municipal authorities.

Judge Dever explained that public drunkenness is not a violation of the law in Illinois. To get one's self arrested for being drunk it is necessary to become drunk and disorderly. So arrests for drunkenness are merged with disorderly conduct. Our information, which we believe to be correct, is that all but 10 per cent of the combined arrests for drunkenness and disorderly conduct in Chicago are for plain drunkenness.

The enforcement program in Chicago began in 1923. We turn back to 1922 and find that there were 64,853 arrests for drunkenness and disorderly conduct in that year. In 1923, under the enforcement program, the arrests increased to 75,800. In 1924, after two years of enforcement, the arrests jumped up to 86,072, and in 1925, after three years of the most effective enforcement attainable by combined Federal, State and municipal action, the arrests for drunkenness and disorderly conduct mounted up to the astonishing total of 92,888.

Philadelphia also had two years of police enforcement of prohibition under General Smedley D. Butler. In 1923, the year before General Butler embarked upon his spectacular career as enforcement officer extraordinary, Philadelphia staggered along under a burden of only 45,226 arrests for drunkenness, but in 1924, after General Butler got into action, the arrests climbed up to 55,766 and in 1925, after he had been slashing away at enforcement for two years, the arrests for drunkenness reached the peak of 58,617.

The foregoing facts are conclusive proof that the trend toward national sobriety under sane restrictions which enabled citizens to supply their requirements for beer and wine of low alcoholic content, which was progressing so favorably between 1917 and 1919, was completely overthrown by national prohibition, and that drunkenness today, under the Volstead Act, and State prohibition acts in all but a few of the States, is as uncontrolled as it was when the saloons were running wide open and there were no restrictions or limitations upon alcoholic liquors.

It has been the boast of the drys that prohibition is good for business. We beg to remind you that prohibi-

*Continued on page 201*

### "Drys"—continued

THE NATIONAL GRANGE

Statement by T. C. Atkeson, Washington Representative

THE purpose of this statement on behalf of the National Grange of the Patrons of Husbandry is to emphasize to the Congress and the public that this organization stands squarely in favor of putting the full power of the Federal and all State Governments into the job of enforcing existing prohibition laws, and of strengthening these laws, without loosening one iota of their intent in making it impossible to legally manufacture, transport, offer for sale, or sell alcoholic liquor of any and every kind. The best elements of the farm population of the United States have held this view of the necessity of prohibiting the traffic in alcoholic liquor for more than 50 years. This organization, speaks now not only for more than a million members but for the vast majority of the farmer people, and for the best elements in our country life.

We quote the action of the last session of the National Grange at Sacramento, Calif., last November, as follows:

"The grange reaffirms its well-known position as standing firmly for the rigid enforcement of all our laws. We especially call upon public officials everywhere urging honest enforcement of our prohibition legislation.

"The grange is opposed to any modification or weakening of our temperance laws and demands that respectable citizens realize that their violation of our temperance laws makes for crime and has been a contributing factor to the crime wave now threatening the Nation. Deportation should await every unnaturalized law violator. Stiff jail sentence should be meted to our citizens who disregard our temperance laws."—Extracts, see 4, p. 215.

DR. HAVEN EMERSON

Professor of Public Health Administration,  
Columbia University

I HAVE brought for evidence of the benefit of the reduction in the use of alcohol in New York charts showing the trend of mortality in certain diseases which are in some way, either directly or indirectly, related to the use of alcohol. I offer first the one dealing with the trend of cirrhosis of the liver, in which the trend is shown from the year 1900 to 1910, then from 1911 to 1917, from 1918 to 1921, and from 1922 to 1925. Indicating that there was a decided change in the trend of mortality in cirrhosis of the liver beginning as far back as 1911, but that was carried to a low point in 1917, and still lower by 1921. Since which time there has been some increase in the mortality from cirrhosis of the liver.

The next chart shows the trend of mortality from 1900 to 1910 downward in chronic nephritis and Bright's disease running almost horizontal; that is, with no appreciable decrease from 1911 to 1917, running abruptly downward from 1918 to 1921, and continuing, though at a diminishing rate, from 1922 to 1925.

I have here a chart of the trend in tuberculosis mortality in which the trend of mortality is shown from 1900 to 1910, continuing at approximately the same rate from 1911 to 1917, and then dropping with unprecedented suddenness from 1918 to 1919, and continuing even from that low level from 1920 to 1925.

Now, I would not be misunderstood as stating that alcohol is the cause of tuberculosis. Of all the factors which contribute to the well-being of the wage earner's

Continued on next page

### "Wets"—continued

WISCONSIN FARMERS

Petition Signed by 1,600 Wisconsin Farmers, Owning  
134,000 Acres of Land

FOR REASONS attached hereto, we, the undersigned Wisconsin farmers, favor legislation which would amend the Volstead Act, so as to permit the manufacture and sale of beer and light wines under proper governmental regulation and taxation. We believe that an honest and truthful definition of intoxicating liquors should be the basis of this act.

The preprohibition consumption of beer in the United States was approximately 65,000,000 barrels annually. If the Volstead law is amended as suggested, the sale of 2¾ per cent beer would likely in a short time again equal this quantity. To make 65,000,000 barrels of beer requires approximately 6,500,000,000 pounds of barley and other cereals, which is the approximate crop of 5,000,000 acres of land.

The residue or insoluble portion of the grain used for brewing of beer (generally known as "brewers' grains") was in great demand prior to preprohibition by dairymen for feed purposes, and it is estimated the residue of the 6,500,000,000 pounds of grain fed to cows yielded approximately 500,000,000 quarts of milk annually.

United States farmers have suffered a heavy loss (it is estimated that Wisconsin farmers alone have suffered a loss of \$26,000,000 on their 1921 crop) by reason of the loss of market for barley and other cereals formerly used in the manufacture of beer, and also by reason of the loss of barley crops formerly raised on said 5,000,000 acres of land, thereby greatly contributing to the heavy decline in the values of farm land.

The University of Wisconsin agricultural department and other agricultural associations spent vast amounts of money in preprohibition days in developing pedigreed barley, and in consequence Wisconsin stood on top in the production of pedigreed barley which commanded the highest prices and brought much wealth to the Wisconsin farmers. This market is now gone.

In preprohibition years Wisconsin farmers raised over 20,000,000 bushels of barley, and last year less than half that quantity. In consequence they have been compelled to enter the dairy field, thereby bringing on a large surplus of dairy products resulting in a lower price of such products.

If the Volstead measure would be amended so as to permit the manufacture and sale of 2¾ per cent beer (a nonintoxicating beverage in fact) it would not be violating any true principles of temperance, and the economic condition above referred to would be changed. The use of beer would no doubt have a decided and wholesome influence in reducing the use of all intoxicating beverages, and greatly reduce the use of the dangerous habit-forming drugs, such as morphine, cocaine, opium, etc., which is on a startling increase.

Manufacturers and consumers of beer and light wines are willing to pay Uncle Sam liberal taxes on same, estimated at approximately \$400,000,000-\$500,000,000 annually, and which would go a long ways toward relieving high taxes and result in increased benefits to the farmers.

—Extracts, see 4, p. 215.

**"Drys"—continued**

DR. HAVEN EMERSON—continued

family and household, the diminution in the consumption of alcohol appears mostly to have improved the conditions of shelter, clothing, and housing of the wage earner because from studies made in the department of health in New York, which I had charge of, it is found usual in our cities that from 5 to 10 per cent, preprohibition, of the total income of the families of wage earners was spent regularly for alcoholic beverages. And the difference between safety of conditions, adequate housing, clothing, and food, and inadequate, is determined commonly by a difference in the way of expenditure of as much as 5 or 10 per cent of the income of the wage earners.

The change in that, rather than the actual change in the use of alcohol in the individual, in other words, an economic rather than a physiological difference, is considered to be responsible in part for the striking reduction of tuberculosis in this country in recent years.

All that I have to offer is the evidence that with every reduction in the use of alcohol there is an improvement in the health of the people, practically at all ages, and contributing also to a reduction in the number of deaths of almost all kinds.—Extracts, see 4, p. 215.

IRVING FISHER

*Professor of Economics, Yale University*

**SOME PEOPLE** now imagine that we actually have more drinking, drunkenness, crime, vice, corruption, and disrespect for law than before prohibition. These are certainly exaggerations.

In my opinion the good done by prohibition greatly overbalances the harm, not because I underestimate the harm done, but simply because the good is so great. Moreover, the harm should be only temporary, while we are adjusting ourselves to the revolutionary change. The good should last forever.

The foundation fact is that alcohol is a narcotic poison, a habit-forming drug, intoxicating as such. It has no place, by nature, in our human physiology. No animal other than man uses it habitually, even "in moderation" so-called. And, man himself came to use it as a late perversion of civilization, just as he came to use other habit-forming drugs, such as opium in China. The craving for all such drugs is not natural but acquired, although when once acquired it is difficult to shake off. On this foundation fact, that alcohol is a narcotic poison, all the arguments for prohibition must be based.

Alcohol, being a poison, increases mortality, accidents, and disease, both physical and mental. Consequently effective prohibition decreases general mortality, accidents, and disease, and increases efficiency.

As to mortality, the results of the Medico-Actuarial Investigation, based on statistical data from 43 American life insurance companies and covering an experience of 25 years, revealed (1) that individuals who took two glasses of beer or a glass of whisky or an equivalent amount of alcohol in any form, each day showed a mortality 18 per cent higher than the average; (2) that the mortality among those who had indulged in occasional alcoholic excesses previous to their application for life insurance was 50 per cent higher than the average; (3) that men who acknowledged the habit of indulging somewhat freely, but who were still considered acceptable for

*Continued on next page***"Wets"—continued**

STANLEY SHIRK

*Research Director, the Moderation League*

**MOST PERSONS** even today seem to think that three-fourths of the States, or thereabouts, were already dry when the prohibition amendment was adopted. As a matter of fact, at the time of the ratification of the amendment—January 16, 1919—18 States, containing more than half of the population of the United States (55.7 per cent) were wet—that is, they had no State-wide prohibition or semi-prohibition laws. Some of them had local option laws which permitted localities to ban the saloon. Such local option territory usually was careful to preserve an oasis nearby, or otherwise provide some way to get liquor. In such States majority opinion was, presumably, not dry, else a State-wide dry law would have been enacted.

Six States, containing 4.2 per cent of the people were bone dry by popular vote; and six other States, with 7.6 per cent of the population, became bone dry by enactments of their legislatures during the World War.

The joker is found in the case of the remaining 18 States which have 32.5 per cent of the population. They were neither "wet" nor "dry" in any Volsteadian sense. They had various State-wide restrictive laws intended to promote temperance and yet to afford some lawful method for residents to get alcoholic beverages. This was a sort of semiprohibition—putting the brakes on a little—mostly designed to eliminate the saloon with its well-known evils, and yet to avoid the bone dryness of the Volstead Act.

Maine is one of these "restriction" States, which we have been taught to believe was an old, historic prohibition State. In 1884 Maine put a clause in her constitution prohibiting "the manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors."

The law did not prohibit importing liquors for personal use. All that residents had to do was to order from Boston and receive anything from a half pint to a carload.\*

As late as 1910 Maine held an election on the question of repealing this semi-prohibition measure, and the repeal failed by the slender margin of 758 votes.

Much the same condition existed in Kansas, the other historic "prohibition" State, which put a similar clause against "manufacture and sale" into her constitution in 1880. It was lawful to import for personal use until 1917 when the State Legislature, during the emergency, made the State bone dry by cutting off the right to import and made even possession unlawful. The case of Topeka, Kans., illustrates how dry the State was. The records required by law show that in the month of September, 1913, 90,062 gallons of liquor were received in Topeka, a city of 45,000 inhabitants.

In the South no State was bone dry except Georgia and Florida, whose legislatures in 1917 and 1918, respectively, made them so—both during the emergency.

Our neighbors, the Canadian Provinces, also went bone dry during the war emergency. They have since been abandoning it one by one by popular vote. Norway and Sweden also have given it up.—Extracts, see 4, p. 215.

\*Congress passed an act (the Reed amendment; (39 Stat. 1069), effective July 1, 1917), which prohibited the transportation of intoxicating liquors into any State "the laws of which State . . . prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes."

**"Drys"—continued**

IRVING FISHER—continued

insurance, showed a mortality of 86 per cent higher than the average. The facts, since prohibition has been in force, confirm these well-known results. The death rate from all causes in the United States declined over 10 per cent following prohibition.

Since scientific research has shown that alcoholic beverages slow down the human machine, and since the human machine is the most important machine in industry, we should expect the use of alcoholic beverages to slow down industry, and we should expect prohibition, if enforced, to speed up industry. Experiments show that two to four glasses of beer a day will impair the work done in type-setting by 8 per cent, increase the time required for heavy mountain marches 22 per cent, and impair accuracy of shooting under severe Army tests 30 per cent.

Joss, in careful experiments made with students, found that one to two glasses of beer reduced the capacity of students to do mental arithmetic 12 per cent.

In view of all these and other facts, it seems safe to conclude that labor productivity should be increased by at least 10 per cent through prohibition.

Turning now to experience since prohibition, we ask, is there any sign of such an increase in national income? There is!

We find that the "real" wages of labor per hour, after making all due allowance for changes in the purchasing power of the dollar, increased 36 per cent between July, 1914, and January, 1925; also that most of this sudden improvement came immediately after prohibition.

Profits have also risen, as has the total income of the country.

Furthermore, the statistics of various types of personal savings, such as the assets of building and loan associations or the assets of life insurance companies, show a substantially greater rate of growth during the period of 1920-1925 than during the period 1915-1920.

I am inclined to believe that prohibition has saved and added much more than the \$6,000,000,000 that I have estimated as a safe minimum. This is one reason why Gary, Leland, and other industrialists believe in prohibition. If prohibition enforcement cost us even \$1,000,000,000 a year, it would be well worth while purely as an economic investment.

We may sum up the good from prohibition by saying it has partially emancipated the human race from slavery for drink, and in particular, partially emancipated it from drunkenness, disease, premature death, poverty, crime, and prostitution. To the extent that this emancipation from slavery in these multifarious ways is really effective, prohibition gives us a new freedom, a true liberty, in view of which the so-called "Personal liberty" argument becomes a hallow mockery.

Prohibition does in form limit "personal liberty," just as do other anti-drug laws, and the prohibition of the manufacture of poisonous phosphorous matches, compulsory vaccination, compulsory education, laws compelling wife support, compulsory military service, quarantine against plague or foot-and-mouth disease, laws restricting building areas, tenements laws prohibiting fire traps in houses, laws prohibiting nuisances, laws prohibiting spitting on sidewalks or in public vehicles, and laws prohibiting the use of houses for immoral purposes. Ask the wife of the workingman who wants full personal liberty

*Continued on next page*

**"Wets"—continued**

STEPHEN LEACOCK

*Professor of Economics, McGill University, Montreal*

**I** AM HONESTLY and sincerely opposed to prohibition as a matter of principle. It is my candid belief that the adoption of prohibition in the United States is the worst disaster that has fallen upon the Republic since its organization. If it could last, it would undermine the foundations of government itself.

But prohibition cannot last, because it is based upon a lie. And a lie cannot endure. Prohibition declares it to be a crime to drink beer. And it is not a crime. The common sense of every honest man tells him that it is not a crime to drink a glass of beer. All the Legislatures that ever sat cannot make it so. You can make your statutes as cruel and as sharp as you like. You may multiply your spies and informers; you may throw wide the doors of your penitentiaries, and you still cannot make it a crime; and the sharper and the harder your law the more public sense and public feeling will revolt against it.

Let those who have organized the legislative tyranny of prohibition look well to what is bound to follow. They are putting their trust in coercion, in the jail, in the whip and the scourge. They are done with the moral appeal. They are finished with persuasion. They want, however, authority. They want to say "Thou shalt" and "Thou shalt not," and when they say it, to be obeyed under the fear of the criminal law. And the time must come when they and their law must go down together. If there is a moral issue involved in this present contest, it is the moral issue of the spirit of human freedom struggling against bondage.

The prohibitionist wants to fool you into thinking that it is an administrative question, or a medical question, or a political question of the right of the majority to rule. It is none of these things. The prohibitionist would try to deceive you into thinking that the question at issue is a medical question, that it turns upon the goodness or badness of beer from a purely digestive standpoint. It is not so. Beer may be good or may be bad. My own opinion, reached after fifty-one years of reflection, is that there is nothing like it. But even if I knew it were as bad as is the excessive use of tea or coffee I still would strongly oppose criminal law to prohibit its consumption.

But the plain truth is that beer is just an ordinary beverage. You cannot make it criminal if you try. The attempt is silly. Common sense revolts at it. Some people like beer and some don't. Some people find that it agrees with them and others do not. It belongs in the same class with cucumbers. And the attempt to make the consumption of beer criminal is as silly and as futile as if you passed a law to send a man to jail for eating cucumber salad.

I lay stress upon this word "criminal," because I think it needs to be stressed. I doubt whether the people realize that the Volstead Act and such like statutes are criminal laws. What they propose is virtually to send all people to jail who dare to drink beer, and to send them again and again for each new offense, to break them into compliance as people were once broken upon the wheel.

The thing is monstrous. It is the most brutal invasion of the province of liberty attempted within a century. It cannot succeed. It must fail as all tyranny has failed.

*Continued on page 203*



**"Drys"—continued**

IRVING FISHER—continued

to drink whether this increases her personal liberty. She will not be so doctrinaire about it, but will drive straight to the main point that her husband's personal liberty takes away her personal liberty to eat.

We are told that enforcement is impossible. But those who tell us this for the most part are those who want it to be impossible. Experience proves the contrary. It took a quarter of a century in Kansas to make prohibition effective, but it did come. It came in a shorter time in the State of Washington. It can come in a much shorter time in the United States if we will "face the facts" and build on the experience of the past.

It is idle to say that the law can not change habits. By itself it can do little. But combined with education it can do much. Experience in the West proves this. We must remember this is a scientific age. If the laboratory says "vitamines," the demand for tomatoes and cabbages increases forthwith. Who can doubt that science will review and revise every habit and custom? It is manifest destiny that alcohol will not survive this scrutiny.—Extracts, see 4, p. 215.

EDWARD KEATING  
Editor of "Labor"

**F**OR TWENTY years prior to the coming of prohibition in Colorado, as a reporter and editor I had ample opportunity to observe the effort of the city and State authorities to regulate the liquor traffic.

There was not a city between New York and San Francisco where the liquor interests ever obeyed any law. There never was a time when the liquor interests were not in combination with the other evil interests in city and State to secure things from councils and legislatures and from executives to which they were not entitled. And it was because of that fact that I became a prohibitionist. I came to the conclusion that you could not regulate the liquor business; that there was no law you could place on the statute books which would regulate the liquor business; that there was only one thing to do with this evil thing, and that was to outlaw it and to drive it from the country.

It is argued that the enforcement officials are experiencing great difficulty in executing the law. But it was just as difficult to enforce reasonable regulations with reference to the legalized liquor industry as it is now to run down the outlawed industry, and in my judgment very much greater, because in the old days it was legalized and then was recognized by the law, whereas today it is an outlaw, and it is a hunted thing.

I want to call attention to the fact that no one has appeared to defend the old-time saloon. Instead they offer various substitutes.

But what are these substitutes that the other side offers? First of all, one Senator suggests that the United States should go into the liquor business, that Uncle Sam should become the greatest barkeeper in the world. And it is a significant thing that the men who advocate nationalism of the liquor industry are among the most violent critics of every other form of government ownership. Those gentlemen will tell you that there is no form of business that the Federal Government can touch without making a mess of it, and yet they are confident that here is the one business that Uncle Sam could run, and that is

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**"Wets"—continued**

WILLIAM H. STAYTON—continued from p. 197

tion was put forward as being good for public morals, and that it has been shown that it has been disastrous to public morals. The only defense that can now be made of it is that it is a good economic measure. Prohibitionists have quoted glibly many captains of industry as being favorable to prohibition, but they did not bring any industrial leaders here to so testify. They fall back upon the testimony of Professor Fisher of Yale University that it has saved the country \$6,000,000,000 a year.

The defect in Professor Fisher's testimony is that he did not take into consideration the desperate financial plight of American farmers, who, according to Senator Capper of Kansas, have sustained a loss of \$20,000,000,000 in farm values during the past five years; and who are now pressing before this Congress numerous bills designed to relieve them from an almost bankrupt condition.

Neither did Professor Fisher take into account the fact that men who are actually engaged in banking and business admit freely that much of present day prosperity is due to unparalleled buying on installments, with 75 to 85 per cent of all automobiles, furniture, jewelry and numerous other commodities being bought on time payments. The estimates of bankers who have studied the problem, and who have actual knowledge of the question through handling the installment paper, is that in 1925 this installment buying aggregated more than five billion dollars. It is admitted by bankers and real economists actually engaged in business that the present flourishing volume of business in the automobile industry—of which we have heard so much—is due entirely to the installment buying of motor cars. It is not, in any sense, due to prohibition, because the evidence in this case shows that vastly greater amount of money is now being spent for some kind of alcoholic liquors than before prohibition.—Extracts, see 4, p. 215.

AMERICAN FEDERATION OF LABOR  
Statement by William Roberts

**I**N 1919, the American Federation of Labor adopted a resolution calling upon Congress to exempt mild beers of 2.75 per cent alcohol by weight from the provisions of the Eighteenth Amendment to the Constitution and also from the provision of the war prohibition measure.

In 1921 the Federation of Labor declared in favor of modification of the Volstead Act "to permit the manufacture and sale of a national beverage of wholesome beer."

In 1923 the executive council of the American Federation of Labor issued an address to the American people after an exhaustive investigation of the effects of the Volstead Act. It was shown by this investigation that there had been—

A general disregard of the law among all classes of people, including those who made the law.

Creation of thousands of moonshiners among both country and city dwellers.

The creation of an army of bootleggers.

An amazing increase in the traffic in poisons and deadly concoctions and drugs.

An increased rate of insanity, blindness, and crime among the users of these concoctions and drugs.

Increase in taxes to city, State, and National Govern-

*Continued on next page*

**"Drys"—continued**

EDWARD KEATING—continued

the booze business. It is not to be considered. The American people will not consider it, and they will not consider it for another reason, and that is because it has been tried elsewhere.

The experience of South Carolina will show you what happened under the dispensary system. You can go across the line into the Province of Ontario, where a little more than a year ago they said they were about to make the great experiment, that they were about to establish beer up in Ontario. Go over there, and you will find that it has been a complete failure. It has not stopped bootlegging, and it has not stopped the consumption of hard liquor.

It is all a question of whether you can enforce the law or not. I believe you can enforce it. I have seen the liquor law enforced every time in my town by officials who wanted to enforce it, by officials who were militantly in favor of enforcing it—Extracts, see 4, p. 215.

DR. J. M. DORAN

*Chief, Chemistry and Alcohol Division, U. S. Bureau of Internal Revenue*

**IT HAS BEEN** indicated that the probable diversion of industrial alcohol to illegal beverage uses was 60,000,000 gallons during the past year, this opinion being given from a consideration of the fact that in 1921 there were 22,000,000 gallons of alcohol used, whereas in 1925 there were 87,500,000 gallons used.

A glance at the actual figures shows the grave error in this opinion, for the reason that the production of alcohol in 1921 was 44,000,000 gallons and not 22,000,000. No accounting was apparently taken of the pure alcohol disposed of in 1921 in addition to the denatured alcohol, whereas the figure as applying to 1925 included pure and denatured. The opinion, therefore, on its face, is erroneous to the extent of 22,000,000 wine gallons without any further analysis. The principal error, however, is the assumption that the year 1921 was a normal year. The year 1921 marked extreme depression in all industries throughout the United States. Many factories were closed down entirely, others run on part time. The years 1919 and 1920 were postwar years, and of the period before the industrial alcohol diversion was even suggested, the 1919 and 1920 production was 52,000,000 gallons. There is no normal increase factor applicable to alcohol-using industries since the war. Many entirely new industries have come into being and many radical changes were brought about with respect to established industries. The one rather striking example of a new industry which has increased rapidly is that of Rayon or artificial silk, a substantial part of which depends upon industrial alcohol. The curve of increase of the Rayon industry is practically the same as that of industrial alcohol the last five years. The curve of gasoline consumption increase is much greater than industrial alcohol. The sharp increase in gasoline production for the last five years, which is a graphic figure of the increased use of motor transport, reflects itself quite accurately in the increase in the consumption of completely denatured alcohol.

The estimated last year's consumption of completely denatured alcohol for use as antifreeze for automobile radiators, is approximately 35,000,000 gallons.

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**"Wets"—continued**

AMERICAN FEDERATION OF LABOR—continued

ment amounting to approximately \$1,000,000,000 per year.

The executive council said:

We seek no violation of the Eighteenth Amendment, but, on the contrary, we declare for a reasonable interpretation of that amendment in order that the law may be enforceable and enforced, and in order that the people of our country may not suffer from an unjust and fanatical interpretation of the Constitution.

The convention of the American Federation of Labor held in Portland, Oreg., October, 1923, approved of these declarations of the executive council and adopted the following:

The American Federation of Labor has gone clearly on record as being in favor of such modification of the existing law to permit the manufacture and vending of wholesome beer and light wine. \* \* \* It is our belief that the efforts at enforcement of the Volstead Act have produced results that in themselves are so far from being what was promised or reasonably expected might follow the adoption of the Eighteenth Amendment that we felt warranted in saying that the reasonable modification now asked for and a rational enforcement of the Eighteenth Amendment will bring the relief greatly sought by the people.

It is the opinion of the American Federation of Labor that the most serious danger confronting the Republic is the fact that we are drifting nearer and nearer to being a whisky-drinking Nation.—Extracts, see 4, p. 215.

HON. ALFRED J. TALLEY

*Judge of Court of General Sessions, New York, N. Y.*

**IT IS MY** calm and deliberate judgment, based on my experience, that the greatest single menace confronting the United States today is the existence of the prohibition law as it now stands.

One of the most imposing promises made by the friends of prohibition before the Eighteenth Amendment was that by abolishing drink crime would be decreased to a minimum. That promise has not been fulfilled. Crime has increased in such amazing proportion that it has become the dominant consideration of most of the State and municipal governments of the Nation.

Now, this was the situation created by the prohibition law according to the district attorney of New York County: That the crimes now, instead of being foolish things, are crimes of viciousness. They are crimes of frenzy that drive men crazy instead of brawls that might have occurred in saloons in the former days. They are now confined to the house and the police do not get there in most cases until the crime has been committed or terrible injury has been done to the participants. In the early days the men in a fight in a saloon would have been thrown out.

It is my judgment, based solely upon my experience in handling the thing, trying cases and prosecuting them, that for every saloon in the city of New York that has been abolished by reason of this enactment, there are today at least three speak-easies existing, and nobody can overestimate the menace of the speak-easy, because it has brought the sale of liquor into the tenement houses, into the dwelling houses, and it has brought it within the purview of the children of the tenement and into the poor neighborhoods, just as the night club has brought it into other neighborhoods of the city.

In my judgment the bootleg whisky as an institution, if it can be called that, would disappear with the boot-

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**"Drys"—continued**

DR. J. M. DORAN—continued

We will now pass to the formulas of specially denatured alcohol which we know have been connected with illegal diversion. The preprohibition consumption of No. 4, which is one of the oldest formulas, was between eight and nine hundred thousand gallons, it exceeded 1,400,000 last year. The difference may be assumed to have been diverted. Formulas 36, 39-A, 39-B, 39-C, and 40, cover the entire field of perfumes, lotions, hair tonics, miscellaneous toilet preparations and rubbing alcohols. The total volume of these so-called distillable or odorless formulas was 14,000,000 gallons. Within this "bracket" occurs practically all of the diversion and redistilling troubles throughout the United States, with the exception of the instances before enumerated. It is apparent from all reports of the agents, which arise from the surveillance of denaturing plants and permittees, together with the chemical analysis of seized liquors, that a substantial part of these formulae has been diverted. Just what percentage is rather difficult to state, having in mind the legitimate use known, it is a liberal estimate to say about 8,000,000 gallons have been diverted. I believe, therefore, a reasonable opinion would fix the possible diversion at between 10,000,000 and 15,000,000 gallons, the estimates herein being between 13,000,000 and 14,000,000. This is a big figure even though preprohibition consumption of spirits was at the rate of 160,000,000 proof gallons per annum.—Extracts, see 4, p. 215.

HON. WILLIAM E. RANEY

*Attorney General of the Province of Ontario from 1919-1923*

OF THE NINE Provinces of Canada five have adopted one form or another of so-called government control. There is no prohibition in Canada of manufacture of intoxicating liquors. The prohibitions in force in the four dry Provinces are confined to sale and importation into these Provinces. There is a heavy exportation of whisky and beer from Canadian distilleries and breweries to the bordering American States, and a good deal of the product of Canadian distilleries and breweries is bootlegged in the Canadian Provinces, both those that are under prohibition laws and those that are under so-called government control.

The Ontario temperance act was enacted in 1916 during the war with the promise of the government of the day that after the war and the return of the soldiers from overseas it would be submitted to the direct vote of the people as to whether it should be continued or not.

It was so submitted in 1919 with the result that after an experience of three years the people voted more than 2 to 1 to continue the act in force. The vote for the act was 792,942; against, 369,434.

The Ontario temperance act permits the sale of native wines in 5-gallon quantities. This provision is regarded by some as a safety valve, by others as a weakness in the law.

The suggestion is made that law enforcement in the United States would be made easier by the legalized sale of a nonintoxicating beer. Well, we are trying that experiment in Ontario right now. The beer is of the strength of 2.5 per cent absolute alcohol by volume, which is the equivalent of 4.4 per cent of proof spirits. Ontario courts had 30 years ago held on the evidence of experi-

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**"Wets"—continued**

HON. ALFRED J. TALLEY—continued

legger if the people had free access to the lighter and non-intoxicating beverages. The bootlegger's occupation would be gone. The "speak-easy" would be destroyed. The poisonous stuff that is destroying the health of the people of this country would be at an end. The thing would not have the lure of the forbidden thing if it was out in the open.

For the first time in our history full faith and confidence in and respect for the hitherto sacred Constitution of the United States has been weakened and impaired because this terrifying invasion of natural rights has been engrafted upon the fundamental law of our land, and experience has shown that it is being wantonly and derisively violated in every State, city, and hamlet in the country.—Extracts, see 4, p. 215.

STEPHEN LEACOCK—continued from p. 200

But it is sad to think of the deplorable havoc it is destined to make in its course; of the way in which it undermines the respect for the law, the way in which it breeds in every class of society a deep and bitter sense of injustice; of the way in which it breaks from the splendid traditions of freedom upon which, till this thing came, we had built up the Commonwealth.—Extracts, see 5, p. 215.

SIR WILLIAM STAVERT

*Former Member, the Quebec Liquor Commission*

AN ATTEMPT at complete control of all transactions, including manufacture, import, and distribution, by the regulations of a carefully selected and responsible commission is the distinguishing feature of the alcoholic liquor law which maintains in the Province of Quebec. The act became effective in March, 1921.

In the opinion of our most liberal-minded citizens the law has been a success from every point of view, many holding the view that temperance as distinguished from excess has been achieved.

It would seem that other Provinces of the Dominion of Canada share our views because no less than four of them have adopted laws somewhat similar to ours.

It is believed that there is about as much alcoholic liquor consumed in the Provinces so-called dry as in the wet, but in other directions the conditions are very different. Indulgence is probably confined to fewer people in the dry Provinces, but those who do indulge are victimized by poisoning, and statistics are quoted showing that the traffic grows by what it feeds on and will probably extend.

The conclusion is therefore reached by many of those who consider the subject, that if the traffic is bound to flourish under dry laws, as seems to be the case, it is better to remove it from the hands of the bootlegger and place it under wise and careful control.

Many of my associates quite agree that if people could be made dry by act of Parliament they would be better physically and mentally, because notwithstanding what has been said to the contrary, alcohol is a poison and is in no way necessary to the human body, but we are convinced that acts of Parliament fail to function in that respect.—Extracts, see 4, p. 215.

### "Drys"—continued

HON. WILLIAM E. RANEY—continued

ments conducted to ascertain the fact that such a liquor is an intoxicant. But the law providing for the sale of 4.4 beer was nevertheless enacted last year by the legislature, against vigorous protests from the temperance people. The law provided for the sale in hotels, restaurants, and beer parlors, and nearly 4,000 permits were issued by the government.

Holders of permits were required to furnish tables and chairs for their customers and were forbidden under penalties to sell to a man standing at a bar. Hotel men spent thousands of dollars in fitting up premises to make them comply with the law. And then the whole thing fell flat—the beer drinkers said there wasn't enough kick in the government's healthful, invigorating, nonintoxicating beer. The permits were in fact useful to the holders chiefly as disguises for the sale of something stronger.

The government-controlled Provinces are Quebec, Manitoba, Saskatchewan, Alberta, and British Columbia. Three of them have beer parlors, as they call them.

Under the Quebec system hard liquors are sold in government stores "one bottle at a time," and beer and wine by the glass or otherwise in unlimited quantities by holders of government licenses. In Manitoba, on the other hand, there is no legalized sale by the glass. No liquors are legally sold for consumption on the premises and the purchaser must be the holder of a government permit. The British Columbia and Alberta systems approximate the Quebec system, except that in the western Provinces the purchaser must have a permit. The Saskatchewan more nearly approximates the Manitoba system.—Extracts, see 4, p. 215.

LENNA LOWE YOST

*Legislative Representative,  
National Woman's Christian Temperance Union*

THE prohibition of the traffic in the age-old race poison, alcohol, has for more than half a century been of vital concern to the American people and the gradual and certain growth of the movement is clearly shown in the laws against the legalized traffic in alcoholic liquors, and there is nothing that argues so convincingly for the permanency of this fundamental law.

A study of the history of this legislation and the progress of prohibition as portrayed by the decisions of the United States Supreme Court, will reveal how gradually and continuously the principle of prohibition has been woven through legislation over a period of half a century, into the very fabric of the Federal and State laws.

We have passed through all the stages of the reform, regulation, restriction, substitutes, government control, moderation in use, reduction of saloons, local option and finally prohibition.

At this time there is an agitation on the part of those opposed to prohibition to legalize the sale of wine and beer. The forum where the sentiment of the nation is tested on National legislation is in the election of the United States Congress. In each election since the Eighteenth Amendment was adopted the people have elected a Congress favorable to sustaining the law.

### "Wets"—continued

JULIAN CODMAN

*Representing the Joint Legislative Committee of the American Federation of Labor, the Association Against the Prohibition Amendment, the Moderation League (Inc.) of New York, and the Constitutional Liberty League of Massachusetts*

WE ARE asking for a modification of the national prohibition law not only because it exceeds the mandate of the Eighteenth Amendment by defining as intoxicating beverages which are not intoxicating, but also because it has been shown that it is not appropriate legislation to enforce the Eighteenth Amendment; that it has done incredible harm instead of good; that as a temperance measure it has been a pitiable failure; that it has failed to prevent drinking; that it has failed to decrease crime; that, as a matter of fact, it has increased both; that it has promoted bootlegging and smuggling to an extent never known before in the history of the world; that it has spread illicit distilling over this country until no part is free from the taint.

Until this law was passed the great majority of our citizens purchased whatever they required, either wine, beer, or whisky. Now a great many make it themselves. If bootlegging has its tens of thousands of votaries, home brewing has its millions. Worst of all, it is making us one of the most corrupt nations on earth. It is destroying the standards of our youth and creating universal contempt for law.

The time has gone by for pretending that these things are not true. Even our opponents admit them by implication, if not in so many words. They say, however, that the remedy lies in more drastic enforcement, by putting teeth in the law. They do not seem to appreciate that even to try this remedy, futile as it would prove, would cost an enormous amount of money, probably billions of dollars, and that the people of this country show no eagerness to pay so large a bill.

Though we know that all the States, except two, have passed laws for the supposed purpose of cooperating with the Federal Government in enforcement, only one or two have appropriated money to make this cooperation effective. I think you will find that effective enforcement exists in this country only in the communities where a large majority of the people are in sympathy with the law.

The time has come when Congress must consider, if it is to do its duty to the people, in what way it can best get out of the terrible mess into which this ill-considered legislation has plunged us.

The Eighteenth Amendment to the Constitution was proposed by Congress; it was ratified by the States. The Supreme Court has already said that the Congress had the power to interpret the words of the amendment by defining the meaning of "intoxicating liquor for beverage purposes" in the Volstead Act. Congress has absolute power to change the definition of liquor in the Volstead Act and may do so in any way that it sees fit. And Congress would be fully within its rights if it went back to the old-fashioned definition of intoxicating liquor which was current among all of us from our boyhood. At that time there was a clear and marked distinction between wholly ardent spirits, the result of distillation; wines, the result of fermentation; and beers, the result of fermentation by means of brews.—Extracts, see 4, p. 215.



**"Drys"**—continued

RT. REV. WILLIAM T. MANNING—continued from p. 194

passed by a human tribunal so impious in its nature, so contrary to the law of God, and of right, that it would be our duty to defy and resist it to the death, but this is not such a law. If we are ever to resist the law in the name of personal liberty I hope it will be in a higher cause than the right to buy and drink intoxicating liquor.

The law has its great importance, but we must not depend only upon the law to promote temperance among the people. It is quite true that "social legislation is never a substitute for social education." We need a continuous campaign of information and education as to the evils, physical, intellectual, economic, moral and spiritual, which have cursed the world as the result of the use of intoxicating drinks.

I wish that we might lift this subject up from the level of mere law enforcement to the higher level of free, voluntary, willing support of the law for the sake of the common good.

In view of what our race has suffered through the evils of strong drink, in view of the agony which fathers, mothers and children have suffered from it, in view of the fact that its suppression means the reduction of poverty, sorrow, disease and crime, we should be willing and glad to make such surrender of our personal liberties, or of our tastes, as this law calls for, and to see prohibition fully and fairly tried.

We know that it was good for the young men during the war, and we know that it is equally good for them now. What a magnificent thing it would be if for the aid of those who are endangered by strong drink we should all of us give our full support to the prohibition laws. What better exhibition could there be of the idealism of America than such willing surrender of our preferences and tastes for the good of all, and for the help especially of our weaker brethren?—Extracts, see 1, p. 215.

**Pro**—continued

HON. C. C. DILL—continued from p. 193

paign against the use of alcohol and in favor of law enforcement and obedience to law.

Second. Stop the smuggling of liquor from Canada and Europe by larger border patrols and by use of the Navy at sea, if necessary.

Third. Pay prohibition enforcement officials better salaries.

Fourth. Take the appointment of prohibition officials out of politics and appoint and retain them on their merits.

Prohibition has had a part in the greatest prosperity this country has ever known. Secretary Hoover reports that the standard of living has actually risen 19 per cent in the United States since the adoption of prohibition. The explanation is simple. The great masses of working men of America, instead of buying pails of beer, buy houses and furniture and food and clothing for their families.—Extracts, see 3, p. 215.

**"Wets"**—continued

NICHOLAS MURRAY BUTLER—continued from p. 194

and with free institutions; we have reverted to the methods of the Dark Ages and of czarist Russia, and are daily violating fundamental and righteous laws in the futile and law-breaking attempt to enforce a foolish and untruthful law.

Prohibition, in so far as it assumes drinking wine to be a sin, affronts both the Christian and the Jewish religions. There are two elements, and only two, which the Lord Jesus Christ both used and blessed. One was bread and one was wine. For nearly 2,000 years wine has been a sacred symbol in the Christian Church. Under such circumstances for a mere human being to say that the use of wine is immoral, is plainly anti-Christian. There is nothing more moral or immoral in the use of wine made from grapes than there is in the use of bread made from wheat. Lack of self-control, excess and overindulgence, which lead to drunkenness and to gluttony, are the immoralities; not the wine made from grapes, not the bread made from wheat.

No immoral and unreasonable public act can long stand. The same argument was made for slavery 75 years ago that is made for prohibition today. As slavery was driven out of the country, so prohibition will be, and we shall develop a plan to abolish the saloon, to suppress the liquor traffic and to reduce drunkenness to a minimum, which will be in accordance both with the traditions of Christianity and the principles of the American Government.—Extracts, see 2, p. 215.

**Con**—continued

HON. WALTER E. EDGE—continued from p. 193

I have always admitted modifying the Volstead Act, while greatly helping the situation, will not solve the entire problem.

We can well afford to heed the much better moral and social conditions prevailing in the various so-called wet Provinces of our neighbor to the north—Canada.

Most of the Canadian Provinces tried our experiment and, following us, voted dry. All but one—Ontario—has returned to some form of wetness. Surveys and reviews of the results have clearly and positively demonstrated generally improved conditions.

These countries have apparently decided governmental distribution of pure and legalized liquors was preferable to the bootleggers' distribution of poisonous substitutes. Our Nation was 100—yes, 1,000 per cent better off when they were drinking beer than when they are drinking the concoctions of today.

The common-sense result of modification would be a lower consumption of hard liquors. That is true temperance.

We are not enlisted in an effort to tear down but rather to build up. To amend an unworkable law is not to violate it, but rather to make it worthy of the great Republic in which we live. We can and will no longer perpetuate a lie.—Extracts, see 3, p. 215.

## The White House

**Editor's Note:** In the October, 1925 number, *THE CONGRESSIONAL DIGEST* inaugurated a new department. This department will report each month the outstanding public matters which have had the attention of the President during the preceding month. Such public matters will include appointments made by the President, addresses delivered by the President, executive orders, and proclamations issued by the President, etc. In the January, 1924 number of *THE CONGRESSIONAL DIGEST*, the Hon. Wm. Tyler Page, Clerk of the House of Representatives, U. S. Congress, fully described the position of the Executive under the Constitution. The July-August, 1924 number of *THE CONGRESSIONAL DIGEST* was devoted to a detailed account of the early and present system of election of the President, together with an article on the Powers and Duties of the President under the Constitution.

### The President's Calendar

For the Period May 1 to June 21, 1926

#### Important Executive Civilian Nominations Confirmed by the Senate:

##### War Finance Corporation

May 26—Floyd R. Harrison to be Director of War Finance Corporation.

##### Bureau of Internal Revenue

June 8—Pressly R. Baldrige to be special deputy commissioner, Internal Revenue Bureau.

June 8—Members Board of Tax Appeals as follows: For a term of 12 years—Jules G. Korner, Charles R. Arundell, John J. Marquette, and Logan Morris; for a term of 10 years—Benjamin H. Littleton, William R. Green, Jr., Percy W. Phillips, and Charles M. Trammell; For a term of 8 years—William C. Lansdon, Charles P. Smith, Sumner L. Trussell and John M. Sternhagen; For a term of 6 years—J. Edgar Murdock, William D. Love, John B. Milliken, and Ernest H. Van Fossan.

##### Judiciary

May 18—Cecil H. Clegg to be United States district judge, district of Alaska, division No. 4.

May 28—Peyton Gordon to be U. S. Attorney, District of Columbia.

June 7—J. D. Ernest Meyer to be U. S. Attorney, eastern district of South Carolina.

June 7—McKenzie Moss to be judge of the Court of Claims.

##### United States Shipping Board

June 15—T. V. O'Connor and Jefferson Myers to be members of the United States Shipping Board for a term of six years.

#### Addresses:

May 2—Address before the National Council of the Boy Scouts of America at Memorial Continental Hall, Washington, D. C.

May 6—Address before the Board of Bishops of the Methodist Episcopal Church at the White House.

May 15—Address at the College of William and Mary, Williamsburg, Va., at the sesquicentennial celebration of the adoption of the Virginia resolutions for independence of the colonies.

May 29—Address at the dedication of the John Ericsson Memorial, Potomac Park, Washington, D. C.

May 31—Address at the Memorial Day exercises at Arlington Cemetery.

June 21—Address at the semi-annual meeting of the Bureau of the Budget.

#### Executive Communications:

May 9—The President sent congratulations to Lieut. Comdr. Richard E. Byrd on the report of his flight over the North Pole.

May 21—The President sent a letter of greeting to the National Industrial Council meeting at the Mayflower Hotel, Washington, D. C.

May 24—The President, at the request of the Near East Relief, endorsed December 5 as International Golden Rule Sunday, on which date funds will be solicited for Near East relief.

June 16—Letter in response to invitation to attend Eucharistic Congress at Chicago.

#### Executive Orders:

May 8—The President signed an executive order authorizing the employment of State, county or municipal officers as Federal prohibition agents. (Released May 21).

June 5—The President issued an executive order under which all employees of Indian schools under Government jurisdiction in the Five Civilized Tribes of Oklahoma were placed within the classified civil service.

#### Legislation Vetoed:

May 14—Message returning without approval the bill (S. 2338) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army. (S. Doc. No. 111).

#### Legislation Approved:

May 1—Joint Resolution (H. J. Res. 149) to provide for membership of United States in Central Bureau of the International Map of the World. Public Res. No. 22.

May 1—Joint Resolution (H. J. Res. 150) to provide for participation of United States in a congress to be held in Panama, June, 1926, in commemoration of centennial of Pan American Congress held in Panama in 1826. Public Res. No. 23.

May 1—Act (S. 2982) to provide for conveyance of certain land owned by and the acquisition of certain land by District of Columbia in exchange. Public Law No. 164.

May 1—Act (H. R. 9831) to provide for completion and repair of customs buildings in Porto Rico. Public Law No. 165.

May 1—Act (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of war with Spain, Philippine insurrection, or China relief expedition, to certain maimed soldiers, to certain widows, and children of such soldiers and sailors, etc. Public Law No. 166.

May 3—Joint Resolution (H. J. Res. 209) requesting the President to invite foreign governments to participate in seventh international dental congress at Philadelphia, Aug. 23 to 28, 1926. Public Res. No. 24.

May 3—Act (H. R. 6772) to authorize settlement of the indebtedness of Kingdom of Rumania to United States. Public Law No. 167.

May 3—Act (H. R. 6777) to authorize settlement of indebtedness of Czechoslovakia to United States. Public Law No. 168.

May 3—Act (H. R. 9964) releasing to Chicago reversionary rights of United States to streets, alleys, and public grounds in Fort Dearborn addition to Chicago. Public Law No. 171.

May 4—Act (H. R. 6556) for establishment of artificial bathing pools or beaches in District of Columbia. Public Law No. 174.

May 4—Act (H. R. 3797) to increase the limit of cost of public building at Decatur, Alabama. Public Law No. 175.

May 4—Act (H. R. 3971) to correct title to certain lots in Centerville, Iowa, and authorizing the conveyance of title in certain other lots adjacent to U. S. Post-office site in Centerville, Iowa, to record owners thereof. Public Law No. 176.

May 4—Act (H. R. 10275) authorizing apprais. for construction at military posts, etc. Public Law No. 177.

May 5—Act (S. 1809) to increase pensions of those disabled in military or naval service of United States. Public Law No. 178.

Continued on page 213

## The Supreme Court of the United States

EDITOR'S NOTE: This department of THE CONGRESSIONAL DIGEST began with Vol. 3, No. 1, and is devoted to a brief non-technical review of current decisions of the U. S. Supreme Court which are of general public interest. The June, 1923, number of THE CONGRESSIONAL DIGEST printed the provisions of the Constitution of the United States upon which the Judicial Branch of our Federal Government rests. This number contained an account of the U. S. Supreme Court and the system of inferior federal courts, the relation of the Judicial Branch to the Legislative and Executive Branches of the Federal Government, and the relation between the Federal Judiciary and the States. The U. S. Supreme Court, its present procedure and work, were also described.

The Supreme Court announced on May 3, that it would hear no more oral arguments at this term after May 9, and that on May 11 after delivering opinions and receiving motions, it would take a recess to May 24. The October, 1925, term of the Court adjourned June 7, 1926.

### THE OCTOBER, 1925 TERM

October 5, 1925—June 7, 1926

### Right To Restrict Realty Sales To Negroes Upheld

The Case—No. 104. Irene Hand Corrigan and Helen Curtis, otherwise known as Mrs. A. L. Curtis, Appellants, vs. John J. Buckley. Appeal from the Court of Appeals of the District of Columbia.

The Decision—The case was dismissed for want of jurisdiction. Note: The effect of the court's refusal to grant a review will be to leave in force an injunction, issued by the lower courts, prohibiting the sale of the property to a colored person.

The opinion of the court was delivered by Mr. Justice Sanford, May 24, 1926, and is in part as follows:

This is a suit in equity brought by John J. Buckley in the Supreme Court of the District of Columbia against Irene H. Corrigan and Helen Curtis, to enjoin the conveyance of certain real estate from one to the other of the defendants.

The plaintiff and the defendant Corrigan are white persons, and the defendant Curtis is a person of the negro race. In 1921, thirty white persons, including the plaintiff and the defendant Corrigan, owning land, improved by dwelling houses, situated in the city of Washington, executed an indenture, duly recorded, in which they agreed that no part of these properties should ever be used or occupied by, or sold, leased or given to, any person of the negro race or blood; and that this covenant should bind their respective heirs and assigns for twenty-one years.

In 1922, the defendant Corrigan, although knowing the defendant Curtis to be a person of the negro race, agreed to sell her a certain lot, with dwelling house, included within the terms of the indenture, and the defendant Curtis, although knowing of the terms of the indenture, agreed to purchase it.

The bill alleged that this would cause irreparable injury to the plaintiff and the other parties to the indenture, and that the plaintiff, having no adequate remedy at law, was entitled to have the covenant of the defendant Corrigan specifically enforced in equity by an injunction preventing the defendants from carrying the contract of sale into effect.

The defendant Corrigan moved to dismiss the bill on the grounds that the "indenture or covenant made the basis of said bill" is (1) "void in that the same is contrary to and in violation of the Constitution of the United States," and (2) "is void in that the same is contrary to public policy." And the defendant Curtis moved to dismiss the bill on the ground that the indenture or covenant "is void, in that it attempts to deprive the defendant, the said Helen Curtis, and others of property, without due process of law; abridges the privilege and immunities of citizens of the United States [and denies them] the equal protection of the law, and therefore, is forbidden by the Constitution of the United States, and especially by the Fifth, Thirteenth, and Fourteenth Amend-

ments thereof, and the Laws enacted in aid and under the sanction of the said Thirteenth and Fourteenth Amendments."

Both of these motions to dismiss were overruled, with leave to answer. And the defendants having elected to stand on their motions, a final decree was entered enjoining them as prayed in the bill. This was affirmed, on appeal, by the Court of Appeals of the District. 299 Fed. 899. The defendants then prayed an appeal to this Court \* \* \*.

Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant which is the basis of the bill, is "void" in that it is contrary to and forbidden by the Fifth, Thirteenth, and Fourteenth Amendments. This contention is entirely lacking in substance or color of merit. The Fifth Amendment is a limitation only upon the powers of the General Government and is not directed against the action of individuals.

The Thirteenth Amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual rights of persons of the negro race. And the prohibitions of the Fourteenth Amendment have reference to State action exclusively, and not to any action of private individuals. It is obvious that none of these Amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void. And, plainly, the claim urged in this Court that they were to be looked to, in connection with the provisions of the Revised Statutes and the decisions of the courts, in determining the contention, earnestly pressed, that the indenture is void as being "against public policy," does not involve a constitutional question within the meaning of the Code provision.

We therefore conclude that neither the constitutional nor statutory questions relied on as grounds for the appeal to this Court have any substantial quality or color of merit, or afford any jurisdictional basis for the appeal.

It results that, in the absence of any substantial constitutional or statutory question giving us jurisdiction of this appeal under the provisions of § 250 of the Judicial Code, we cannot determine upon the merits the contentions earnestly pressed by the defendants in this Court that the indenture is not only void because contrary to public policy, but is also of such a discriminatory character that a court of equity will not lend its aid by enforcing the specific performance of the covenant.

Hence, without a consideration of these questions, the appeal must be, and is dismissed for want of jurisdiction.

## Congress Day by Day—continued from p. 186

### SENATE—continued

Elliott, Ind., R.) to provide for the construction of public buildings.

Mr. Jones, Wash., R., withdrew his motion to reconsider the vote by which the McFadden national banking bill (H. R. 2) was passed.

Passed the bill (H. R. 10429, Smith, Ida., R.) to adjust water right charges, to grant relief on Federal irrigation projects, to amend subsections E and F of sec. 4 of act approved Dec. 5, 1924, etc.

Mr. Borah, Ida., R., and Mr. Swanson, Va., D., debated the question of the return of alien property held by the Alien Property Custodian.

An executive session was held.

Recess was taken.

### HOUSE:

Considered bills on the Consent Calendar.

Passed a bill (S. 1170, Warren, Wyo., R.) to provide for the appointment of a commissioner of reclamation.

Passed a bill (H. R. 9568, Christopherson, S. D., R.) amending sec. 220 of the Criminal Code fixing maximum penalty of \$500 fine or five years' imprisonment for counterfeiting revenue stamps of foreign governments.

Passed a bill (H. R. 9269, Stevenson, S. C., D.) amending the farm loan act so as to provide that every national farm-loan association shall elect a board of not less than five directors.

Passed a bill (H. R. 9268, Stevenson, S. C., D.) to amend the agricultural credits act of 1923 so that intermediate credit banks are authorized to make loans on crops being grown for market.

Passed a bill (S. 2606, McLean, Conn., R.) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, etc.

Passed a bill (H. R. 5026, Parker, N. Y., R.) authorizing an appropriation of \$9,000,000 for construction of ten vessels for the Coast Guard.

Passed a bill (H. R. 10973, Hoch, Kans., R.) increasing the commissioned personnel of the Coast Guard to 340 officers.

Passed the revised Johnson bill (H. R. 12175) to amend the World War veterans act of June 7, 1924.

Passed the bill (H. R. 7, Lehlbach, N. J., R.) to amend act for the retirement of employees in the classified civil service, approved May 22, 1920. The bill as passed carried provisions recommended by the Budget Bureau.

Adjourned.

Tuesday, May 18, 1926

### SENATE:

Considered and passed bills on the Calendar.

Passed a bill (H. R. 7966, Weller, N. Y., D.) to change the name of the Board of General Appraisers.

Passed a bill (S. 3749, McNary, Ore., R.) to provide a school for Plute Indian children at Burns, Ore.

Passed a bill (H. R. 9508, Sinnott, Ore., R.) to authorize issuance of deeds to certain Indians or Eskimos for lands set apart for them in Alaska.

Adopted conference report on the bill (S. 1039, Walsh, Mont., D.) to amend act to establish a uniform system of bankruptcy.

Mr. Stanfield, Ore., R., moved to substitute the House civil service retirement bill (H. R. 7) for the Senate bill (S. 786, Stanfield). Mr. Robinson, Ark., D., objected, and the bill (H. R. 7) was referred to the Senate Committee on Civil Service.

Resumed debate on the bill (S. 2607, Brookhart, Ia., R.) to establish migratory bird refuges, etc. Mr. Reed, Mo., D., opposed the bill.

An executive session was held.

Recess was taken.

### HOUSE:

Agreed to the conference report on the bill (H. R. 6559, Elliott, Ind., R.) to provide for the construction of public buildings.

Resumed consideration of the Haugen farm relief bill (H. R. 11603).

Adjourned.

Wednesday, May 19, 1926

### SENATE:

The Pennsylvania senatorial primary election returns were discussed by Mr. Harrison, Miss., D., Mr. Reed, Mo., D., Mr. Reed, Pa., R., and Mr. Borah, Ida., R.

Adopted by a vote of 59 to 13 a resolution (S. Res. 195) submitted by Mr. Reed, Mo., D., Apr. 8, calling for the appointment of a special committee of five to investigate expenditures in senatorial campaigns this year. Mr. Reed, Mo., D., Mr. Deneen, Ill., R., Mr. Reed, Pa., R., Mr. La Follette, Wis., R., and Mr. Bayard, Del., D., were appointed members of the special committee.

The Committee on Civil Service reported with amendments the House bill (H. R. 7) to amend act for the retirement of employees in the classified civil service. The bill as amended by the Senate committee increases the annuity to \$1,200, and would permit employees to retire voluntarily after 30 years of service. The bill was made the unfinished business.

An executive session was held.

Recess was taken.

### HOUSE:

Passed a bill (H. R. 7181, Stephens, O., R.) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line.

Passed the bill (H. R. 3763, Darrow, Pa., R.) to prevent delay in the promotion of officers of the Navy and Marine Corps.

Passed the bill (H. R. 3837, Griest, Pa., R.) authorizing the Postmaster General to rent quarters for postal purposes without formal contract, etc.

Passed a bill (H. R. 4502, Miller, Wash., R.) declaring certain firearms nonmarketable.

Passed a bill (H. R. 11841, Kelly, Pa., R.) to enable the Postmaster General to make contracts for air mail service.

Passed a bill (H. R. 92, Johnson, Wash., R.) fixing postage rates on hotel-room keys and tags.

Adjourned.

Thursday, May 20, 1926

### SENATE:

Passed the bill (H. R. 7) as amended by the Senate, to amend act for the retirement of employees in the classified service. The bill now goes to conference.

An executive session was held.

Mr. Reed, Pa., R., Mr. Deneen, Ill., R., and Mr. Bayard, Del., D., resigned from the select committee appointed to make investigations of campaign expenditures, and Mr. Goff, Va., R., Mr. Fernald, Me., R., and Mr. King, Utah, D., were appointed to succeed them.

Recess was taken until 8 p. m.

Considered and passed bills on the Calendar.

Passed a bill (S. 2587, Gillet, Mass., R.) to amend the trading with the enemy act authorizing payment.

Passed a bill (S. 4251, Johnson, Calif., R.) to amend the naturalization laws to authorize Federal judges to designate naturalization examiners to conduct preliminary hearings and make recommendations to the court.

Passed a bill (H. R. 10312, Magee, Pa., R.) to authorize the Secretary of the Navy to dispose of lands no longer needed for naval purposes.

Passed a bill (H. R. 11202, Kvale, Minn., Independent) providing for printing of Declaration of Independence, with certain biographical sketches, etc.

Passed a bill (H. R. 10503, Miller, Wash., R.) to authorize alterations in six coal-burning battleships to provide better launching arrangements for airplanes.

Passed a bill (H. R. 3796, Abernethy, N. C., D.) to establish a national military park at Moore's Creek, N. C.

Adjourned at 11 p. m.

### HOUSE:

Resumed consideration of the Haugen farm relief bill (H. R. 11603). Concluded reading the bill for amendment, and the Tinchier credit bill (H. R. 11327) was offered as an amendment in the nature of a substitute for the Haugen bill. The Aswell commodity marketing bill (H. R. 11606) was offered as a substitute for the Tinchier bill.



## Friday, May 21, 1926

## SENATE:

Mr. Gooding, Ida., R., discussed agricultural relief legislation.

Mr. Oddie, Nev., R., spoke in support of the bill for Federal aid for State road construction (H. R. 9504).

Mr. Bruce, Md., D., criticized the President's executive order authorizing the employment of State, county or municipal officers as Federal prohibition agents.

Mr. Fernald, Me., R., resigned from the special select committee appointed to investigate campaign expenditure.

Mr. McNary, Ore., R., was appointed in his place.

An executive session was held.

Recess was taken until Monday, May 24.

## HOUSE:

Both the Tincher bill (H. R. 11327) and the Aswell bill (H. R. 11606), which had been offered as amendments in the nature of substitutes for the Haugen farm relief bill, were withdrawn. The Haugen bill (H. R. 11603) was reported to the House by the Committee of the Whole. The bill was rejected by a vote of 212 to 167.

Adjourned.

## Saturday, May 22, 1926

## SENATE:

Not in session.

## HOUSE:

Adopted a resolution (H. Res. 268) providing for 12 hours of debate on the bill (H. R. 11616, Dempsey, N. Y., R.) authorizing construction, repair, etc. of public works on rivers and harbors. Mr. Burton, O., R., objected to the provision in the bill of \$1,350,000 for navigation improvement of the Illinois River, and which involves diversion of the waters of the Great Lakes.

Adjourned.

## Monday, May 24, 1926

## SENATE:

Resumed consideration of the bill (S. 2607, Brookhart, Ia., R.) to establish migratory bird refuges, etc. Mr. King, Utah, D., opposed the bill.

Mr. Robinson, Ark., D., criticized the President's executive order of May 8 authorizing the appointment of State officers as Federal prohibition agents.

Mr. Nye, N. D., R., spoke on farm relief legislation.

Recess was taken.

## HOUSE:

Mr. Hawes, Mo., D., resigned from the Committee on Interstate and Foreign Commerce.

Considered and passed bills relating to the District of Columbia.

Adjourned.

## Tuesday, May 25, 1926

## SENATE:

Mr. Walsh, Mont., D., defended the President's executive order of May 8. Mr. Bruce, Md., D., replied.

Adopted a resolution (S. Res. 232, King, Utah, D.) directing the Senate Judiciary Committee to investigate and report whether President's executive order authorizing appointment of State officers as Federal prohibition agents is within power of President.

Mr. Watson, Ind., R., discussed the economic principles involved in the agricultural price stabilization proposal.

An executive session was held.

Adjourned.

## HOUSE:

Passed a bill (S. 3997, Reed, Pa., R.) to amend Sec. 301 of World War Veterans' act to extend for one year from July 2, time for conversion of World War insurance into government insurance policies.

Disagreed to Senate amendments to McFadden branch banking bill (H. R. 2). The bill was sent to conference.

Mr. Curry, Calif., R., criticized the President's executive order of May 8.

Considered and passed bills on the Private Calendar.

Adjourned.

## Wednesday, May 26, 1926

## SENATE:

Mr. Caraway, Ark., D., spoke against modification of the national prohibition law.

Passed a bill (H. R. 92, Johnson, Wash., R.) fixing postage on return of hotel room keys.

Passed a bill (H. R. 3837, Griest, Pa., R.) to permit Postmaster General to rent postal quarters without formal contract.

Passed a bill (H. R. 11841, Kelly, Pa., R.) to authorize contracts for air mail at fixed rates per pound.

Discussed the Federal aid road bill (H. R. 9504, Dowell, Ia., R.).

Mr. Cummins, Ia., R., spoke in favor of the farm relief program carried in the amended Haugen cooperative marketing bill (H. R. 7893).

An executive session was held.

Adjourned.

## HOUSE:

Mr. Swing, Calif., R., defended the President's executive order of May 8.

Mr. Dyer, Mo., R., discussed the bill (H. R. 11053-S. 2558) to increase the pay of U. S. Judges.

Considered and passed bills on the Calendar.

Passed, by a vote of 264 to 68, a bill (H. R. 6982, Ramseyer, Ia., R.) excluding gambling devices from the mails.

Passed, by a vote of 196 to 77, the bill (H. R. 5358, Colton, Utah, R.) to provide for disposition of asphalt, gilsonite, etc., on the public domain.

Adjourned.

## Thursday, May 27, 1926

## SENATE:

Mr. McKellar, Tenn., D., spoke in favor of the Haugen cooperative marketing bill as amended (H. R. 7893).

Mr. Dill, Wash., D., spoke in opposition to a national referendum on prohibition. A discussion of the President's executive order of May 8 ensued.

Resumed consideration of the migratory bird refuge bill.

At the night session considered the bill (H. R. 7669, Keller, Minn., R.) to provide home care for dependent children in the District of Columbia.

Passed three omnibus pension bills as follows: H. R. 7906 and H. R. 9966 affecting veterans of wars other than the Civil War; H. R. 8815 affecting veterans of the Civil War.

Recess was taken at 10:35 p. m.

## HOUSE:

Passed a bill (H. R. 9387, Barbour, Calif., R.) to revise boundary of the Sequoia National Park. A motion to reconsider the bill was rejected by a vote of 227 to 107.

Began general debate on the \$36,000,000 rivers and harbors appropriation bill (H. R. 11616, Dempsey, N. Y., R.).

Mr. Dempsey explained the provisions of the bill.

Adjourned.

## Friday, May 28, 1926

## SENATE:

Continued consideration of the migratory bird refuge bill.

Mr. Bruce, Md., D., and Mr. Dill, Wash., D., opposed the bill.

An executive session was held.

Advice and consent of the Senate was given to the ratification of a Treaty of friendship, commerce and consular rights between the United States and Salvador, signed at San Salvador on Feb. 22, 1926.

Recess was taken.

## HOUSE:

Mr. Griffin, N. Y., D., spoke on immigration restriction.

Continued general debate on the rivers and harbors appropriation bill (H. R. 11616, Dempsey, N. Y., R.).

Mr. Milligan, Mo., D., resigned from the Committees of World War Veterans' Legislation, Insular Affairs, and Expenditures in the War Department. Mr. Milligan was elected a member of the Committee on Interstate and Foreign Commerce.

Adjourned.

## Saturday, May 29, 1926

## SENATE:

An executive session was held.

Continued debate on the migratory bird refuge bill.

Adjourned until Tuesday, June 1.

## HOUSE:

Mr. Green, Chairman of the Committee on Ways and Means, reported the bill (H. R. 11848) on the settlement of the French debt. Report No. 1338.

Continued debate on the rivers and harbors appropriation bill (H. R. 11616, Dempsey, N. Y., R.).

Adjourned until Tuesday, June 1.

## Tuesday, June 1, 1926

## SENATE:

Considered the bill (H. R. 7669, Keller, Minn., R.) to provide home care for dependent children in the District of Columbia. By a vote of 37 to 36 the section of the bill providing for a separate board of administration of the pension fund was retained.

Petition for cloture on the migratory bird refuge bill (S. 2607) was rejected by a vote of 46 to 33.

The Haugen cooperative marketing bill (H. R. 7893) was made the unfinished business before the Senate.

Began consideration of the bill (H. R. 10827, Morin, Pa., R.) to increase the efficiency of the Air Corps of the Army. An executive session was held.

Adjourned.

## HOUSE:

Began debate on the bill (H. R. 11848) for the settlement of the French debt to the United States.

Adjourned.

## Wednesday, June 2, 1926

## SENATE:

Considered the bill (H. R. 10000, Fitzgerald, O., R.) providing for the codification of permanent statutes in force Nov. 7, 1925.

McNary, Ore., R., explained the provision of the Haugen cooperative marketing bill (H. R. 7893). The bill was temporarily laid aside for consideration of the bill (H. R. 10827, Morin, Pa., R.) to increase the efficiency of the Air Corps of the Army. The air service bill was passed.

An executive session was held.

Adjourned.

## HOUSE:

Passed a bill (S. 4251, Johnson, Calif., R.) authorizing Federal judges to designate naturalization examiners to conduct preliminary hearings, etc.

Passed, by a vote of 236 to 112, the bill (H. R. 11848) to authorize the settlement of the French debt to the United States.

Considered bills on the Calendar.

Adjourned.

## Thursday, June 3, 1926

## SENATE:

By a vote of 41 to 35, the Senate reversed its action on the bill (H. R. 7669, Keller, Minn., R.) to provide home care for dependent children in the District of Columbia. The bill was passed with the Capper amendment which provides for administration of the pension fund by the Board of Public Welfare.

Resumed consideration of the Haugen cooperative marketing bill (H. R. 7893). Mr. McNary, Ore., R., concluded his speech.

Passed a bill (H. R. 9690, Butler, Pa., R.) to authorize construction and procurement of aircraft and equipment for the Navy and Marine Corps.

An executive session was held.

During the evening session considered and passed unobjectioned to bills on the Calendar.

Passed a bill (H. R. 5026, Parker, N. Y., R.) to provide for the construction of 10 vessels for the Coast Guard.

Adjourned at 10:50 p. m.

## HOUSE:

Resumed consideration of the rivers and harbors appropriation bill (H. R. 11616, Dempsey, N. Y., R.). The measure was before the House for fourteen hours.

Adjourned at 1 a. m.

## Friday, June 4, 1926

## SENATE:

Mr. Underwood, Ala., D., spoke in favor of his resolution (S. Res. 225) providing for a change in Senate rules to permit modified form of cloture on revenue and appropriation bills. Mr. Robinson, Ark., D., Mr. Reed, Mo., D., Mr. McKellar, Tenn., D., opposed a change in the rules.

An executive session was held.

Adjourned.

## HOUSE:

Mr. Gilbert, Ky., D., was elected a member of the Committee on Insular Affairs.

Passed, by a vote of 219 to 127, the omnibus rivers and harbors bill (H. R. 11616). The bill retained all of its 150

projects, including those for the Illinois River development, resurvey of the all-American canal route across New York State, and Government purchase of the Cape Cod canal for \$11,500,000. An amendment for navigation development of the upper Missouri River, estimated to cost between \$20,000,000 and \$56,000,000 was agreed to.

Passed the bill (H. R. 11948) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats and Slovenes to the United States.

Considered and passed bills on the Private Calendar.

Adjourned until Monday, June 7.

## Saturday, June 5, 1926

## SENATE:

An executive session was held.

Resumed consideration of the Haugen cooperative marketing bill (H. R. 7893). Mr. Frazier, N. D., R., discussed the bill.

Adjourned.

## HOUSE:

Not in session.

## Monday, June 7, 1926

## SENATE:

Mr. Smoot, Utah, R., spoke on the Treasury surplus.

A motion by Mr. Copeland, N. Y. D., to make his bill (S. 4177) to regulate the coal industry a special order for the day, was rejected by a vote of 43 to 25, a two-thirds vote being necessary.

Continued debate on the Haugen cooperative marketing bill (H. R. 7893). Mr. McMaster, S. D., R., and Mr. Shipstead, Minn., Farmer-Labor, supported the amended bill.

Passed the joint resolution (S. J. Res. 51, Fess, O. R.) for completion of tomb of Unknown Soldier at Arlington.

Passed the resolution (S. Res. 242, Glass, Va., D.) relative to former Internal Revenue employees serving on Board of Tax Appeals.

An executive session was held.

Recess was taken.

## HOUSE:

Considered and passed bills on the Consent Calendar.

Passed the bill (H. R. 12444, Holaday, Ill., R.) to provide for deportation of certain aliens.

Adjourned.

## Tuesday, June 8, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893).

Mr. Simmons, N. C., D., urged that the Treasury surplus be applied to tax reduction.

During the evening session considered and passed bills on the Calendar.

Adjourned at 11 p. m.

## HOUSE:

Passed, by a vote of 215 to 97, the bill (H. R. 10821, Graham, Pa., R.) to provide additional Federal judges.

Considered bills on the Private Calendar.

Adjourned.

## Wednesday, June 9, 1926

## SENATE:

Debated the bill (H. R. 3858, Hoch, Kans., R.) to establish a foreign commerce service in the Department of Commerce.

Continued debate on Haugen cooperative marketing bill (H. R. 7893). Mr. Fess, O., R., concluded his speech in opposition to the bill.

An executive session was held.

Recess was taken.

## HOUSE:

Considered and passed bills on the Calendar.

Mr. Brand, Ga., D., discussed his bill (H. R. 12540) to create a farm loan corporation.

Adjourned.

## Thursday, June 10, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893). Mr. Gooding, Ida., R., and Mr. Robinson, Ind., R., supported the bill as reported.

Mr. Fess, O., R., offered an amendment in the nature of a substitute bill similar to the Tinchler credit bill (H. R. 11827).

An executive session was held.

Recess was taken.

## HOUSE:

Amended and passed a bill (S. 1912, Means, Colo., R.) to provide for settlement of claims against the government on amounts under \$5,000.

Adjourned.

Friday, June 11, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893). Mr. Robinson, Ind., R., concluded his speech in support of the bill.

Passed, by a vote of 63 to 6, the bill (H. R. 9504) providing Federal aid for roads.

Recess was taken.

## HOUSE:

Passed 119 bills on the Private Calendar.

Adjourned until June 15.

Saturday, June 12, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893).

An executive session was held.

Recess was taken.

## HOUSE:

Not in session.

Monday, June 14, 1926

## SENATE:

Continued debate on the Haugen cooperative marketing bill (H. R. 7893). Mr. Norris, Nebr., R., urged farm relief legislation.

An executive session was held.

Adjourned.

## HOUSE:

Not in session.

Tuesday, June 15, 1926

## SENATE:

Discussed the bill (H. R. 7555) to authorize appropriations for carrying on activities under the maternity and infancy act.

Continued debate on the Haugen cooperative marketing bill (H. R. 7893). Mr. Mayfield, Tex., D., spoke on his amendment to the bill which would repeal rate-making section of the transportation act.

An executive session was held.

Adjourned.

## HOUSE:

Mr. Curry, Calif., R., announced the death of his colleague, Hon. Lawrence J. Flaherty, of the fifth California district. Adopted resolutions of the Committee on Elections seating Mr. Walters, Pa., R., and Mr. Edwards, Ga., D.

Considered the bill (S. 481, Cummins, Ia., R.) to permit use of corn sugar in canning establishments without use of distinctive label.

Adjourned.

Wednesday, June 16, 1926

## SENATE:

Rejected, by a vote of 40 to 41, the motion (Glass, Va., D.) to reconsider the vote by which the Pittman bill (S. 756) directing Treasury Department to complete purchase of 14,500,000 ounces of silver under the Pittman Act, was passed.

Adopted resolution of the Committee on Elections seating Mr. Schall, Minn., R.

Continued debate on the Haugen cooperative marketing bill (H. R. 7893).

An executive session was held.

Recess was taken.

## HOUSE:

Passed a bill (S. 4152) to authorize oil and gas mining leases on unallotted lands within Executive order Indian reservations. A motion to recommit the bill was rejected by a vote of 221 to 138.

Considered and passed bills on the Calendar.

Adjourned.

Thursday, June 17, 1926

## SENATE:

Continued debate on the Haugen cooperative marketing bill (H. R. 7893). Mr. Johnson, Calif., R., and Mr. Ransdell, La., D., discussed the bill.

Recess was taken.

## HOUSE:

Adopted conference reports on the following bills: H. R. 11355 for the retirement of captains, commanders, and lieutenant commanders of the line of the Navy; H. R. 9690 for construction and procurement of aircraft; H. R. 7669 to provide home care for dependent children in D. C.

Passed the bill (S. 481) to permit use of corn sugar in canning without distinctive label. A motion to recommit the bill was rejected by a vote of 175 to 131.

Adjourned.

Friday, June 18, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893). Mr. Bruce, Md., D., and Mr. Tyson, Tenn., D., discussed the bill.

Recess was taken.

## HOUSE:

Mr. McSweeney, O., D., spoke on the life of Thomas Marshall. Mr. Hammer, N. C., D., spoke on birthplace of Andrew Jackson.

Considered and passed bills on the Private Calendar.

Adjourned until Monday, June 21.

Saturday, June 19, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893). Adopted an amendment (Willis, O., R.) eliminating naval stores from the bill.

An executive session was held.

Adjourned.

## HOUSE:

Not in session.

Sunday, June 20, 1926

## SENATE:

Met in tribute to the memory of late Robert M. La Follette.

## HOUSE:

Not in session.

Monday, June 21, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill. An executive session was held.

Advice and consent of Senate was given to a Supplementary Extradition Convention between the United States and Mexico, signed at Washington, December 23, 1925.

Recess was taken.

## HOUSE:

Mr. Almon, Ala., D., spoke on his bill (H. R. 12951) providing for acceptance of the Air Nitrates Corporation bid on Muscle Shoals.

By a vote of 191 to 133, referred to the Ways and Means Committee the resolution (H. Con. Res. 35) providing for final adjournment of Congress June 30.

Considered and passed bills on the Consent Calendar.

Adjourned.

Tuesday, June 22, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893). Agreement was reached to limit debate beginning June 24.

An executive session was held.

Adjourned.

## HOUSE:

Considered conference report on McFadden branch banking bill (H. R. 2).

Adjourned.

Wednesday, June 23, 1926

## SENATE:

Continued debate on Haugen cooperative marketing bill (H. R. 7893).

Passed the omnibus pension bill (H. R. 10314) granting pensions and increases in pensions to certain Civil War veterans and their dependents.

Passed the Norbeck general pension bill (S. 4059) granting increase in pensions to veterans (or dependents) of Mexican and Civil Wars to widows of veterans of the war of 1812.

An executive session was held.

Recess was taken.

## HOUSE:

Considered bills on the Calendar relating to Indian affairs.

Adjourned.

## Thursday, June 24, 1926

## SENATE:

By a vote of 45 to 38, the committee amendment (the McNary bill) rider to the Haugen cooperative bill (H. R. 7893) was rejected. A number of other amendments to the bill were voted upon.

An executive session was held.

Recess was taken.

## HOUSE:

Resumed consideration of the conference report on the McFadden branch banking bill (H. R. 2), disagreed to Senate amendments, and asked for another conference.

Mr. Hawley, Ore., R., discussed taxation, tariff and farm relief.

## Friday, June 25, 1926

## SENATE:

Continued consideration of the Haugen cooperative marketing bill. The Norbeck amendment providing export bounties for wheat and corn was rejected by a vote of 55 to 16.

Debated a motion by Mr. Watson, Ind., R., to lay aside farm legislation and take up the bill (H. R. 12175, Johnson, S. D., R.) to amend the World War Veterans' Act.

During the evening session passed the bill (H. R. 10,000, R. G. Fitzgerald, O., R.) to codify the laws of the United States.

Considered bills on the Calendar.

Recessed at 10:53 p. m.

## HOUSE:

Considered conference report on the bill (H. R. 10827, Morin, Pa., R.) to increase efficiency of the Air Corps of the Army.

Adjourned as a mark of respect to the late Representative Charles E. Fuller, of Illinois, whose death was announced.

## Saturday, June 26, 1926

## SENATE:

The Haugen cooperative marketing bill was laid aside and the bill (H. R. 12175, Johnson, S. D., R.) to amend the World War Veterans' Act was taken up.

Mr. Phipps, Colo., R., discussed the tariff.

Recess was taken.

## HOUSE:

Began general debate on the bill (H. R. 13040) making appropriations to supply deficiencies in certain appropriations for the fiscal years ending June 30, 1926 and 1927. Mr. La Guardia, N. Y., Socialist, discussed the appropriation for prohibition enforcement.

Adjourned.

## The President's Recommendations to the 69th Congress—continued from p. 184

*mittee chosen from the appropriate standing committees of the House and Senate to receive bids \* \* \**

April 26, 1926—Bills to provide for the leasing of Muscle Shoals (H. R. 11602) and (S. 4106) were reported by the Special Joint Committee on Muscle Shoals. These measures are pending on the House and Senate Calendars.

### Reclamation

*"The Congress has already provided for a survey which will soon be embodied in a report."*

May 25, 1926—The President approved the bill (H. R. 10429, Smith, Ida., R.) to adjust water-right charges, to grant certain other relief on Federal irrigation projects, to amend subsections E and F of section 4 of Act approved December 5, 1924. Public Law No. 284.

Mar. 10, 1926—The bill (S. 3425, Kendrick, Wyo., D.) to authorize aided and directed settlement of certain Federal reclamation projects was referred to the House Committee on Irrigation and Reclamation. No action has been taken by the Committee.

### Waterway Development

*"The Government made an agreement during the war to take over the Cape Cod Canal \* \* \*"*

June 4, 1926—The House passed, with amendments, the bill (H. R. 11616, Dempsey, N. Y., R.) authorizing the construction, repair, and preservation of certain public works on rivers and harbors. The bill authorizes an appropriation for the purchase of the Cape Cod Canal. The bill was reported with amendments by the Senate Committee on Commerce on June 23. Report No. 1145. The measure is pending on the Senate Calendar.

### Railroads

*"I recommend that the Congress authorize such consolidations under the supervision of the Interstate Commerce Commission \* \* \*"*

*"It is gratifying to report that both the railroad managers and railroad employees are providing boards for the mutual adjustment of differences."*

May 20—The President approved the bill (H. R. 9463, Parker, N. Y., R.) to provide prompt disposition of rail-

way labor disputes. Public Law No. 257. In his statement accompanying the signing of the Act, President Coolidge said in part:

*"I have come to the conclusion that the plan in this act should be tried. I should have preferred some more definite declaration for the possible protection of the public, but should the operation of the plan demonstrate such protection is needed it can easily be supplied by a future Congress. It is not now possible to foretell such need, and the fact that the roads and their employees are committed to the necessity of making this law a success goes far to assure that it will be a success."*

The Cummins bill (S. 3840) to provide for the consolidation of carriers by railroads and the unification of railway properties, which was reported by the Senate Committee on Interstate Commerce (S. Report 580) is pending on the Senate Calendar.

June 18—The House Committee on Interstate and Foreign Commerce closed hearings on the bill (H. R. 11212, Parker, N. Y., R.) to promote the unification of carriers engaged in interstate commerce. Under the provisions of the Parker bill the railroads would be given seven years in which to form voluntary consolidations after which further legislation would be passed on recommendations by the Interstate Commerce Committee.

### Mother's Aid

June 22, 1926—The President approved the bill (H. R. 7669, Keller, Minn., R.) to provide home care for dependent children in the District of Columbia. Public Law No. 410. The bill as approved provides that the \$100,000 pension fund will be administered by a Board of Public Welfare which will be established July 1.

### Civil Service

*"The time has come to consider classifying all postmasters, collectors of customs, collectors of internal revenue, and prohibition agents, by an act covering in those at present in office \* \* \*"*

June 8—The Senate considered the bill (H. R. 3821, Cramton, Mich., R.) to place Federal prohibition agents under the Civil Service. The bill is pending on the Senate Calendar.



*Reorganization*

"I suggest that this measure [for the reorganization of the various departments] be brought forward and passed."

Dec. 10, 1925—The bill (H. R. 4770, Mapes, Mich., R.) to provide for a reorganization of the administrative branches of the Government, to create the Reorganization Board, etc., was referred to the Committee on Rules.

*The White House*—continued from p. 206*Legislation Approved*—continued

May 5—Act (H. R. 4785) to enable Rock Creek and Potomac Parkway Commission to complete connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park. Public Law No. 179.

May 5—Joint Resolution (S. J. Res. 55) to authorize American National Red Cross to continue use of temporary buildings now erected on square numbered 172, in District of Columbia. Public Res. No. 25.

May 5—Act (H. R. 7818) to amend sec. 304 of "Act to regulate interstate and foreign commerce in livestock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921. Public Law No. 180.

May 5—Act (H. R. 8817) reserving certain described lands in Coos Co., Ore., as public parks and camp sites. Public Law No. 181.

May 5—Act (H. R. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across Potomac River. Public Law No. 182.

May 7—Act (H. R. 10200) for acquisition of buildings and grounds in foreign countries for use of Government and United States. Public Law No. 186.

May 7—Act (S. 2853) to authorize transfer to jurisdiction of D. C. Commissioners a certain portion of Anacostia Park for use as a tree nursery. Public Law No. 187.

May 7—Act (S. 1226) to amend the Trading with the Enemy Act. Public Law No. 188.

May 7—Act (H. R. 9305) to amend par. 1 of sec. 101 of Judicial Code, as amended, re judicial districts in Okla. Public Law No. 191.

May 8—Act (S. 2296) authorizing casualty companies, surety companies, insurance companies or associations or fraternal or beneficial societies to file bills of interpleader. Public Law No. 203.

May 8—Act (S. 1786) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. Public Law No. 204.

May 10—Act (H. R. 10198) making appns. for the government of the District of Columbia for fiscal year ending June 30, 1927. Public Law No. 205.

May 10—Act (H. R. 6707) making appns. for Department of Interior for fiscal year ending June 30, 1927. Public Law No. 206.

May 10—Joint Resolution (S. J. Res. 60) authorizing expenditures from Fort Peck 4 per centum fund for visits of tribal delegates to Washington. Public Res. No. 26.

May 10—Act (S. 1989) to authorize the Secy. of Interior to purchase land to be added to Reno Indian colony, Nev. Public Law No. 207.

May 10—Act (S. 2658) to authorize Secy. of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, etc. Public Law No. 208.

May 10—Act (S. 2706) to provide for reservation of certain land for Indians of Mesa Grande Reservation, Calif., etc. Public Law No. 209.

May 10—Act (S. 3595) to authorize exchange of certain patented lands in Grand Canyon National Park for certain Government lands in said park. Public Law No. 210.

May 10—Act (S. 3953) to provide for condemnation of Pueblo Indian lands in New Mexico for public purposes, etc. Public Law No. 211.

May 11—Act (H. R. 9511) authorizing Postmaster General to remit or change deductions or fines imposed upon contractors for mail service. Public Law No. 212.

May 11—Act (S. 1484) to amend sec. 1, Act of March 4,

No action. The companion bill in the Senate (S. 1334, Smoot, Utah, R.) was referred on the same day to the Senate Committee on Appropriations. No action.

*Federal Buildings*

May 25—The President approved the bill (H. R. 6559, Elliott, Ind., R.) authorizing \$165,000,000 to provide for the construction of public buildings. Public Law No. 281.

1909 (Sundry Civil Act), so as to make the Chief of Finance of the Army a member of Board of Commissioners of United States Soldiers' Home. Public Law No. 213.

May 11—Act (H. R. 8264) making appns. for Department of Agriculture for the fiscal year ending June 30, 1927. Public Law No. 214.

May 11—Act (S. 957) for the purchase of the Oldroyd collection of Lincoln relics. Public Law No. 215.

May 11—Act (S. 2298) to amend sec. 3 of the Act approved Sept. 14, 1922, to authorize payment of salary accounts of Reserve Officers. Public Law No. 216.

May 13—Act (S. 3037) to provide retirement for Nurse Corps of Army and Navy. Public Law No. 217.

May 13—Act (H. R. 10425) making appropriations for Legislative Branch of Government. Public Law No. 222.

May 14—Act (H. R. 10501) to prevent sale of Internal-revenue stamps by postmasters. Public Law No. 227.

May 14—Act (H. R. 178) authorizing Chippewa Indians of Minnesota to submit claims to Court of Claims. Public Law No. 228.

May 17—Act (S. 952) authorizing Secy. of Navy to deliver to State of Georgia silver service presented to United States for battleship Georgia. Public Law No. 229.

May 17—Act (S. 2828) to provide for forfeiture of pay of persons in the military and naval services incapacitated by reason of alcoholic liquor, drugs or venereal disease. Public Law No. 230.

May 17—Act (H. R. 6239) to authorize acting registers of U. S. land offices to administer oaths. Public Law No. 231.

May 17—Act (H. R. 9351) to extend time for homestead entries on Colville Indian Reservation, Wash. Public Law No. 233.

May 17—Act (H. R. 9829) to change terms of district court in Mass. Public Law No. 234.

May 17—Act (H. R. 8306) to authorize coinage of 50-cent pieces in commemoration of the Oregon Trail. Public Law No. 235.

May 17—Act (H. R. 9730) to provide for water-supply at Dresslerville Indian Colony, Nev. Public Law No. 236.

May 17—Act (H. R. 11171) to authorize deposit and expenditure of revenues of Indian Service as Indian moneys. Public Law No. 237.

May 17—Act (H. R. 5006) to detach Hickman Co. from Nashville division, and attach same to Columbia division of middle judicial district of Tenn. Public Law No. 238.

May 17—Act (H. R. 3745) to change terms of district court in N. J. Public Law No. 239.

May 17—Act (H. R. 10610) to confirm title to lands in Oklahoma to Sac and Fox Indians. Public Law No. 240.

May 17—Act (S. 1482) to authorize Secy. of War to grant easements in public military reservations. Public Law No. 241.

May 18—Act (H. R. 10202) to extend patent to United Daughters of the Confederacy. Public Law No. 242.

May 20—Act (H. R. 9463) to provide for prompt disposition of disputes between carriers and their employees, and for other purposes. Public Law No. 257.

May 18—Act (H. R. 3990) to erect tablets upon: Revolutionary battlefield of White Plains, N. Y. Public Law No. 243.

May 18—Act (H. R. 9875) to authorize exchange of lands on U. S. Marine hospital reservation at Detroit, Mich. Public Law No. 244.

May 19—Joint Resolution (H. J. Res. 134) authorizing certain Indian tribes to prosecute claims. Public Res. No. 27.

May 19—Act (S. 85) to correct status of certain commissioned officers of the Navy appointed under Act of June 4, 1920. Public Law No. 245.

Continued on page 215

## *Administration of National Prohibition Laws*

Continued from page 188

ters also includes an investigating force whose energies are directed primarily and almost exclusively to breaking up the business of smuggling and in making other widespread conspiracy cases on the part of large operators.

Headquarters also has a special squad for alcohol, brewery and wine control. Each of these squads is a reservoir of investigators from which the Administrators draw as necessity dictates, thus allowing a fluctuating force for the control of alcohol, brewery and wine permittees. Each of these Federal squads is under charge of a Federal Supervisor who, operating from headquarters, carries a clear understanding of policies in these matters to the Administrators and coordinates efforts between Administrators, and particularly interests himself in seeing that cases are taken to the most advantageous jurisdictions for prompt court action.

Treaties have been negotiated with foreign nations to help the Government break up the smuggling at sea and particularly with Canada, Mexico and Cuba, our more intimate neighbors, whence smuggling has been largely carried on. These treaties have all been ratified and are

being put into effect through mutually agreed upon regulations and will aid materially as these regulations are made effective.

During the year many changes have been made in regulations and in permit requirements in industrial alcohol formulae and in the control of the distribution of spirits for manufacturing purposes, etc., etc.

While reorganization is not yet effected completely, nor can be until Congress has passed the reorganization bill proposed by the Department, and while treaty and other new steps looking to better enforcement have not yet been made effective, it is none the less true that the activities of the past year have had marked results in the enforcement field. Violators of the law have learned to take the law seriously at least. Good liquor has disappeared from the market and the Department feels that it is on its way to more effective results as it brings to bear the new regulations and instrumentalities being provided as time and Congressional legislation make them available.

## *Prosecution of Prohibition Violation Cases*

Continued from page 189

devoting themselves to major violations and the sources of supply. The great number of small cases filed make it difficult to get time to dispose of the large violations, as the time of the United States Attorneys and the courts are fully occupied in grinding out the smaller chaff.

One of the outstanding reasons for clogged dockets in Federal courts, and consequently impaired efficiency in enforcement of law, is the failure of State courts and State prosecuting agencies to carry their part of the burden created by liquor prohibition laws. In States where full cooperation is given by all State agencies concerned with the administration of justice there is no special problem of law enforcement facing the Department of Justice. But where local self-government, at least so far as liquor laws are concerned, is calmly and deliberately abdicated, there is placed on the Federal Government a load which the machinery now set up was not designed to handle. Only a few days ago a letter was written by a county prosecuting attorney in one of our so-called "wet" centers evidencing some little irritation at the suggestion that small and comparatively unimportant liquor cases made by the local police should be prosecuted by him and not by the Federal Government through the United States Attorney of his district. It is obvious that in such counties law enforcement generally is at a low ebb, and particularly so is prohibition enforcement.

The decentralization plan put into effect about a year ago in the Prohibition Unit resulted in the dissolution to a great extent of the then-existing legal section. This section had several hundred members, and while some of the duties were transferred to the field and there carried

on by the legal advisors to the prohibition administrators, considerable of the work of collecting precedents and assisting the prosecuting officers in securing uniformity of action throughout the country falls on this Division.

In pursuance of the policy of the Department of Justice to extend every possible cooperation to agencies charged with enforcement duties, and taking advantage of the knowledge gained through five years experience with prohibition enforcement, this Division has through its representatives made suggestions to the Prohibition Unit concerning remedial legislation, and has participated in the negotiations leading up to, and the drafting of, treaties with different countries covering the unlawful importation of intoxicating liquors. Litigation concerning important questions relating to enforcement problems has been carefully watched and directed, and on occasion handled personally, by representatives of the Department from headquarters.

In short, so far as comes within the power and strength of the Department of Justice, every effort is being put forth, and has in the past been exerted, to place the enforcement of the National Prohibition Act on a par with other Federal laws, and by persistent and determined effort create a respect for this law which was formerly given to Federal laws and regulations generally. That enforcement is becoming more effective may be questioned by skeptics; that juries are convicting with greater facility, that fines are getting heavier, that jail sentences are getting longer, that courts and prosecuting attorneys and juries are working together in greater harmony in the Federal judicial system is capable of demonstration.

## The White House—continued from p. 213

### Legislation Approved:

May 19—Act (S. 96) to amend National Defense Act relating to retirement. Public Law No. 245.

May 19—Act (S. 1499) to authorize President to detail officers and enlisted men of Army, Navy, and Marine Corps to assist Latin-American Republics in military and naval matters. Public Law No. 247.

May 19—Act (S. 2088) for relief of members of band of Marine Corps who were retired prior to June 30, 1922, etc. Public Law No. 248.

May 19—Act (S. 2076) for purchase of land adjoining U. S. target range, at Auburn, Me. Public Law No. 249.

May 19—Act (H. R. 6710) extending provisions of sec. 2455 of U. S. Rev. Stat. to ceded lands of Fort Hall Indian Reservation. Public Law No. 250.

May 19—Act (H. R. 6313) to allot lands to living children on Crow Reservation, Mont. Public Law No. 251.

May 19—Act (H. R. 6555) granting certain public lands to Altus, Okla., for reservoir. Public Law No. 252.

May 20—Act (S. 41) to encourage and regulate use of aircraft in commerce, etc. Public Law No. 254.

May 20—Act (S. 3060) to authorize payment of expenses of Washington-Alaska Military Cable and Telegraph System out of receipts of such system. Public Law No. 255.

May 20—Act (S. 3440) to regulate interstate transportation of black bass, etc. Public Law No. 256.

May 20—Act (S. 3560) to grant leave to ex-service men and women to attend annual convention of American Legion in Paris, France, in 1927. Public Law No. 258.

May 21—Act (S. 3550) providing for an inspection of Kennesaw Mountain and Lost Mountain and other battlefields in Georgia. Public Law No. 259.

May 21—Act (H. R. 5242) to repeal Act approved Jan. 7, 1922, providing for change of entry, etc. Public Law No. 262.

May 21—Act (H. R. 7493) to provide lands in Michigan for State park. Public Law No. 263.

May 21—Act (H. R. 7554) making apprais. for Navy Dept. Public Law No. 264.

May 21—Act (H. R. 806) to amend Act to pension survivors of certain Indian wars. Public Law No. 265.

May 21—Act (S. 4955) for withdrawal of lands adjoining Makah Indian Reservation in Washington for use of Indians. Public Law No. 266.

May 22—Act (S. 3478) to amend Act for equitable distribution of captured war trophies to the States, etc. Public Law No. 267.

May 22—Act (S. 4073) to establish Shumacher National Park and Great Smoky Mountain National Park, etc. Public Law No. 268.

May 22—Act (H. R. 9872) to carry into effect convention between United States and Great Britain to regulate level of Lake of the Woods concluded Feb. 24, 1925. Public Law No. 269.

May 22—Act (H. R. 302) to acquire dams in Minnesota National Forest, etc. Public Law No. 270.

May 22—Act (H. R. 9309) authorizing Secy. of Interior to delegate to supervising officers power to make temporary and emergency apprais. Public Law No. 271.

May 22—Act (H. R. 12304) providing additional wing to U. S. Jail. Public Law No. 272.

May 22—Act (H. R. 12305) to authorize Secy. of Commerce to dispose of certain light-house reservations, etc. Public Law No. 273.

May 22—Act (H. R. 12306) to provide for transfer of jurisdiction over the Concho River in D. C. Public Law No. 274.

May 24—Act (S. 2806) to prohibit offering for sale on Federal farm loan bonds any securities not issued under the terms of the Farm Loan Act. Public Law No. 279.

May 24—Act (H. R. 4799) relative to electric current for light and power, District of Hanna, T. H. Public Law No. 278.

May 25—Act (H. R. 8599) to provide for construction of certain public buildings. Public Law No. 281.

May 25—Act (H. R. 8807) granting relief to Metropolitan police, and fire dept. of District of Columbia. Public Law No. 282.

May 25—Act (S. 4309) to establish Mammoth Cave National Park. Public Law No. 283.

May 25—Act (H. R. 10429) to adjust water-right charges, and to grant relief on Federal irrigation projects. Public Law No. 284.

May 25—Act (S. 1729) for pymt. of indemnity to Norway on account Norwegian bark Janna. Public Law No. 285.

May 25—Act (S. 1731) for pymt. of indemnity to Sweden on account of Swedish steamship Olivia. Public Law No. 286.

May 25—Act (S. 1732) for pymt. indemnity to Norway on account of Norwegian steamship John Hanner. Public Law No. 287.

May 25—Act (S. 1733) for pymt. of indemnity to Denmark on account of Danish steamship Mannedund. Public Law No. 288.

May 25—Act (H. R. 8859) to validate certain declarations of intentions. Public Law No. 289.

May 25—Act (H. R. 10539) authorizing the Secy. of Navy to deliver to State of Minnesota silver service set in use on battleship Minnesota. Public Law No. 290.

May 25—Act (H. R. 7819) to cancel water-right charges and release liens on Buford-Trenton and Williston irrigation projects, N. D. Public Law No. 291.

May 25—Act (S. 3115) to amend act. 220 of Criminal Code rel. to forged or counterfeit revenue stamps of any foreign government. Public Law No. 292.

May 27—Act (S. 1099) to amend Act to establish uniform system of bankruptcy approved July 1, 1908. Public Law No. 301.

May 24—Joint Resolution (H. J. Res. 148) extending time for return of cattle duty free. Public Res. No. 23.

May 25—Joint Resolution (H. J. Res. 178) establishing a commission for observance of anniversaries of independence of Vermont and Battle of Bennington, etc. Public Res. No. 30.

May 25—Joint Resolution (H. J. Res. 267) making additional apprn. for pensions for fiscal year 1926. Public Res. No. 31.

May 25—Act (H. R. 9508) to authorize issuance of deeds to certain Indians or Eskimos for lands in Alaska. Public Law No. 290.

May 25—Joint Resolution (H. J. Res. 230) authorizing Treasury Dept. to participate in South Jersey Exposition at Camden, N. J. Public Res. No. 22.

May 25—Act (S. 2904) to validate payments for quarters, etc., on account of dependents. Public Law No. 293.

May 25—Act (H. R. 9761) to admit and to extend naturalization privileges to alien veterans of World War. Public Law No. 294.

May 25—Act (H. R. 10783) to make additions to Adirondack and Gallatin National Forests, and Yellowstone National Park, etc. Public Law No. 295.

May 25—Act (H. R. 11204) exempting from provisions of the Immigration Act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1925. Public Law No. 296.

May 25—Act (H. R. 1170) to provide for apptmt. of a Civil mission of Reclamation. Public Law No. 297.

To be continued in September number

### Sources from Which Material in This Number is Taken

Articles for which no source is given have been specially prepared for this number of THE CONGRESSIONAL DIGEST.

1—Sermon by Bishop Manning, Feb. 5, 1926, at the Cathedral of St. John the Divine, New York.

2—Statement by Nicholas Murray Butler in "Evening Star" (Washington, D. C.) April 12, 1926.

3—Radio Address, Feb. 5, 1926, reprinted in Congressional Record, Feb. 6, 8, 1926.

4—Hearings before Subcommittee of Senate Committee on Judiciary, April 5-24, 1926, on S. 37, S. 34, S. 591, S. 592, S. 5118, S. J. Res. 10, S. J. Res. 81, S. J. Res. 85, S. 3821, S. 3411, and S. 3891. 6 vols.

5—Congressional Record, April 14, 1926.

6—Leaflet No. 47, published by Association Against the Prohibition Amendment, Inc., Washington, D. C.

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